



ISSN 1180-5218

**Legislative Assembly
of Ontario**

First Session, 39th Parliament

**Assemblée législative
de l'Ontario**

Première session, 39^e législature

**Official Report
of Debates
(Hansard)**

Monday 20 April 2009

**Journal
des débats
(Hansard)**

Lundi 20 avril 2009

**Standing Committee on
General Government**

Green Energy and Green
Economy Act, 2009

**Comité permanent des
affaires gouvernementales**

Loi de 2009 sur l'énergie verte
et l'économie verte

Chair: David Oraziotti
Clerk: Trevor Day

Président : David Oraziotti
Greffier : Trevor Day

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 20 April 2009

Lundi 20 avril 2009

The committee met at 1403 in room 151.

**GREEN ENERGY AND GREEN
ECONOMY ACT, 2009
LOI DE 2009 SUR L'ÉNERGIE VERTE
ET L'ÉCONOMIE VERTE**

Consideration of Bill 150, An Act to enact the Green Energy Act, 2009 and to build a green economy, to repeal the Energy Conservation Leadership Act, 2006 and the Energy Efficiency Act and to amend other statutes / Projet de loi 150, Loi édictant la Loi de 2009 sur l'énergie verte et visant à développer une économie verte, abrogeant la Loi de 2006 sur le leadership en matière de conservation de l'énergie et la Loi sur le rendement énergétique et modifiant d'autres lois.

The Chair (Mr. David Oraziotti): Good afternoon, everyone, and welcome to the Standing Committee on General Government. For the purposes of members, I just want to make reference to information that's on your table. Research was asked to identify some information around intensity-based feed-in tariffs in France and Germany; I believe that was Mr. Tabuns. The information is in front of you. Research has done that. Thank you very much for putting that together.

Mr. Jerry Richmond: There's another one in the hopper.

The Chair (Mr. David Oraziotti): Okay, that's great.

FIRST NATIONS ENERGY ALLIANCE

The Chair (Mr. David Oraziotti): We'll start with presentations. Our first presenter is the First Nations Energy Alliance. Good afternoon and welcome. If you'd just like to state your name for the purposes of Hansard, you can begin your presentation.

Ms. Cherie Brant: Thank you, Chair, for allowing me to be here today. My name is Cherie Brant. I am counsel to the First Nations Energy Alliance and was asked to appear on their behalf today to make this deposition. I wanted to say thank you to all of the standing committee members here today as well for allowing us this opportunity.

The First Nations Energy Alliance was formed for the purpose of supporting First Nations to engage in renewable energy opportunities and to become successful proponents.

The FNEA welcomes the initiative of the provincial government and Ministry of Energy and Infrastructure to review current energy law and policy, and to look at ways to promote the ongoing development of renewable energy projects in Ontario. Bill 150, in our view, has the potential to dramatically reshape the way that First Nations and Metis are involved in the ongoing development of our lands and resources.

Last week you heard from other FNEA members, from Pic River First Nation and Walpole Island First Nation. Their presentations focused on three main areas surrounding the question of intergovernmental coordination in terms of addressing renewable energy matters, the potential shortcomings of the Renewable Energy Facilitation Office that's proposed in the current form of the GEA, and how we can promote prosperous reconciliation with First Nations and Metis through the ongoing development and use of resources on our lands.

The FNEA is also a member of the Green Energy Act Alliance, which I believe you've already heard a deputation from. We just wanted to put on the record that, as we are a member, we are in full support of the recommendations in the presentation that was made to you earlier in the week. You're also going to hear from another member, the Chippewas of Georgina Island, who will be presenting to you later on this afternoon. They're going to be talking to you about the cap rates proposed in the FIT program. We're also in support of their deputation.

Today, what I wanted to do was very quickly focus on two main technical points with respect to the GEA, and firstly illustrate an example of a potential problem or issue or barrier, and then ask the question of how the GEA will propose to resolve that issue, and leave it to the standing committee for further consideration. This relates to the Ministry of Natural Resources. The MNR has a water power site release policy which many of you may already be aware of. I've included it in the materials as well for additional reference. It deals with the development of water power sites in Ontario, in particular on crown lands.

In some cases, what you'll note from the policy is that with respect to certain rivers in northern Ontario, there is a limitation for development over 25 megawatts. Through the members of the FNEA, the question has been raised, where does this number come from? We've been told unofficially that it relates to an old Ontario Hydro franchising effort, that essentially they didn't have

an interest in projects below 25 megawatts, and therefore the policy had opened up the door to development under that threshold. There's also another policy called the northern rivers commitment. This also deals with and provides a limitation to water power development in northern Ontario. Again, there's another policy called the Moose River basin commitment. That also reflects and impacts water power development in Ontario.

What we're trying to understand is, how will the GEA be able to revisit those commitments and revisit those issues of water power development, which appears to be under supervision of the Ministry of Natural Resources? That's the one point I wanted to make, just to try to understand how a piece of legislation that appears to be under the Ministry of Energy and Infrastructure can have an impact on policies that are governed under the Ministry of Natural Resources.

The second point that I wanted to make was about the IPSP planning process. The GEA does not propose any amendments to this planning process; however, when the IPSP process and the OPA were first put in place by the Electricity Act, I think it's fair to say that the MOE did not envision First Nations and Metis taking such great interest in generation and transmission development at that time, nor did they envision that we would be looking to generation and transmission as an opportunity to stimulate our local economy.

1410

So far, the IPSP process itself is the only government-funded process that allows First Nations and Metis to participate in the policy development process, and that allows other stakeholders as well to participate in the ongoing policy development process.

Minister Smitherman had also issued a directive on September 17 that had asked the OPA to "consider the principle of aboriginal partnership" in generation and transmission. However, legally we're not sure how that analysis will really play out, because what they've done is they've asked the OPA to examine an issue that doesn't fall underneath the IPSP's current review obligations. So it's sort of coming out as a request to examine and take a look, but it's not really any hard-and-fast requirement that it be done underneath the IPSP planning process itself that will take place at the Ontario Energy Board.

For this reason, we have suggested that the Electricity Act could be amended as part of this process, in a catch-all fashion, to address ongoing development of the IPSP planning process. What we ask is that the GEA standing committee seriously consider the need to improve flexibility to the IPSP stakeholdering and analysis. We believe that clearly there will be a need in the future to provide an arena to address a broader range of stakeholdering issues and intergovernmental issues that affect the development of generation and transmission in Ontario.

In closing, I wanted to say that First Nations and Metis play an important role in the stewardship of our lands. The GEA has the opportunity to take another leap forward and tackle intergovernmental coordination, while at

the same time forging a new relationship with First Nations and Metis in the spirit of reconciliation. We ask that the standing committee not miss this opportunity to allow First Nations and Metis to play a more central role in this process. Thank you.

The Chair (Mr. David Orazietti): Thank you very much. That's time for your presentation.

Mr. Yakabuski, questions? You're up first.

Mr. John Yakabuski: Thank you very much, Ms. Brant, for joining us today, and thank you for your presentation. I have a question on the potential numbers here—1,400 that have been identified as being developable but a potential of 7,500. What is the gap? Would we be talking about the requirement to flood a lot of land to go beyond that? What is the reason for saying there's a potential of 7,500 but the IPSP only talks about 1,400? Is there a geographical reason for the gap, or is it strictly a jurisdictional and a quasi-political difference?

Ms. Cherie Brant: This information was taken from the OPA analysis, so I've provided that for you for additional information. I can tell you, what that document suggests is that 4,600 of the 7,500 that are available are impacted by current First Nations and federal policies, so basically, they're not immediately attainable. Those 4,600 megawatts are subject to the northern rivers policy as well as the Moose River basin commitment. So those two commitments are impacting the ability to get at that full 7,500. Really, what you're left with are 1,400—that is all approximate numbers—that is available right now that is not subject to parks policy or First Nations commitments that have been made between First Nations and the provincial government.

The Chair (Mr. David Orazietti): Thank you. Mr. Tabuns.

Mr. Peter Tabuns: Thank you very much for the presentation today. I'm not familiar with this northern rivers commitment or the Moose River basin commitment. Can you tell us how they came to be and what their objects were?

Ms. Cherie Brant: Unfortunately, I don't exactly know how they came to be, but I do know that they are having a significant impact on the development that's taking place right now. What I understand is that if Ontario is trying to really analyze how to address barriers to development, some analysis needs to go back and revisit those commitments and understand what the original purpose was, bearing in mind that at the time of when those policies were put in place we were under a completely different framework. We were under an Ontario Hydro format and we were under somewhat of a more franchised format. We didn't have the competition that we're trying to promote today. So I leave that with you as the point, that we're really just trying to say, let's go back and let's figure out how the GEA can go back to those documents. It's not clear that the GEA, under the Ministry of Energy and Infrastructure, can reopen those commitments.

What I've seen, as well, is that through the IPSP planning process, what the OPA has done—and it has

sort of had its arms tied a bit—is it can really only say, “We recommend further analysis into this area. This is what’s holding up that.” It doesn’t really have the ability to drill down and problem-solve in the way that we feel would be more timely.

The Chair (Mr. David Oraziotti): Thank you. That’s your time, Mr. Tabuns. Ms. Broten?

Ms. Laurel C. Broten: Thank you very much for your presentation. We had some presentations from some members of the FNEA last week as we were travelling in the province. One of the comments that was made was with respect to the challenge associated with moving forward with renewable energy projects when you had both provincial approvals that were needed and federal approvals as well layered on top of that. One of the suggestions that was made was that we find a mechanism whereby, as proposed in this act, a renewable energy facilitator would have some role to interface with the federal government with respect to those approvals. I wanted to see if you had any comment in that regard.

Ms. Cherie Brant: Thank you for mentioning that again. That is definitely an area that the FNEA is greatly concerned about, because what it does is it also raises the point that First Nations and Metis, being another party to that process—provincial, federal, and First Nations and Metis—in an ideal framework there would be a system in place that would allow those parties to get together and problem solve in a meaningful way. I know that in one of our presentations last week a ministers’ committee, I believe, was one of the options. From our perspective, the idea was that there needs to be something that’s above the different ministerial departments or else we would just envision that it may not be as efficient as something that was above those different ministerial departments could be.

The Chair (Mr. David Oraziotti): Okay, that’s time. Thank you very much for your presentation and for coming in this afternoon.

Ms. Cherie Brant: Thank you very much to all of you.

DEREK PAUL

The Chair (Mr. David Oraziotti): Our next presentation, Derek Paul. Good afternoon, sir, and welcome to the Standing Committee on General Government. You have 10 minutes for your presentation, five minutes for questions from members of the committee. State your name for the purposes of the recording Hansard and you can begin.

Dr. Derek Paul: My name is Derek Paul, and on the front cover of my brief and the inside cover there’s some introduction to what I do. I’m going to skip that for now and, in the sake of saving time, get right down to the beginning of the discussion of Bill 150, which I welcome, as indeed the previous speaker did. But I do find some major defects in it. It permits many things but doesn’t mandate enough. It needs a strong mission statement of its goals, which I think is entirely lacking—

that’s my recommendation 3 in the brief—and it lacks any hint of a forward-looking process within government for envisioning a sustainable future and setting the course of the whole province toward that sustainable future. I’ll come back to that point.

1420

I now want to briefly talk about three types of government action. The first type is the simple one where you don’t have any infrastructure that you need to build in order to do something and you can simply make the decisions. There are a great many decisions that could be made in Ontario today which would beneficially affect the electrical system, energy and climate change that are not being done, and I’m going to give only one example. The example is that of the hydroelectric facilities in Ontario that already exist—the small ones—that are not in operation. I consulted some non-governmental groups on this and was informed that the total amount of idle hydroelectric facilities in Ontario is about 1.7 gigawatts. If this could be brought back into operation much more cheaply than installing major facilities such as nuclear reactors, it would give the opportunity to cut back on coal emissions and therefore greenhouse gas emissions very significantly.

The second category is the kind where you do have some infrastructure building to do. This is illustrated, for example, by the smart grid, which is one of the main focal points of Bill 150. I did find, however, that the bill was weak on this point. It permits the establishment of the grid; it doesn’t seem to mandate it very strongly, and so I’ve written recommendation 12, which you’ll find on page 17.

The third kind of situation that the government should be in, and isn’t, is that of envisioning and planning a sustainable future. Here you need to do research and build whatever infrastructure is needed and then implement it. This is entirely missing from the bill, and my main recommendation arises from that. It’s recommendation 1 on pages 16 and 17. I recommend that the bill should require the government of Ontario to set up a high-level futures research group whose job would be to envision realistic and desirable future scenarios, and to find routes: How you get from where we are now to where we want to be in 30 or 40 years time.

Recommendation 4 supplements recommendation 1 by referring to processes for doing this. There are now known processes for envisioning a desirable future and filling in the gaps from here until then. In fact, there’s a company in Calgary called Foresight Canada that does this.

What sort of thing would such a research group do? Here’s an example: One of the things this research group would do is that it would project transportation in Ontario forward 40 years. It would look at all the aspects that affect transportation, including land use planning, and come up with a route from how we get from where we are now to where we want to be in 40 years’ time. This is my recommendation 5 in the group.

Now I’d like to change the subject a bit onto renewable energy, and if you would be kind enough to turn to

page 7 in my brief, you will see a rather nice graph which plots the installed nuclear power, wind power and solar voltaic power in the world—this is global; it's not Ontario—as a function of the years. The fascinating thing is that these increases are exponential, which means on a semi-log plot it's a straight line. The nuclear is going up very slowly, the wind very fast and the solar voltaic is going up even faster. I've extrapolated the wind and the photovoltaic, but you shouldn't take that seriously. They may not follow straight lines.

What's missing from this graph is the solar thermal, and my next most important recommendation, which is recommendation 2 in my brief, asks the government of Ontario to do research in the solar thermal, either on its own or collectively with other governments or institutes, and to attempt to get rights-of-way to transmit solar thermal from southern deserts into Ontario. This will play a very important role in Ontario's electrical future, if it can be done successfully.

There are 22 other recommendations in my brief; I'll only mention three.

Recommendation 10 calls for collaborative research and sharing of inventions.

Recommendation 21 asks for broadening the concept of co-operative corporations, and incorporating that broadened view into Bill 150 and the Co-operative Corporations Act.

Recommendation 22 demands a much stronger building code, because what we're building now in Ontario is suitable for today but it's not suitable for 20 years from now, and it will be very unsuitable for 40 years from now. We build houses to last 75 or 100 years, so we're making a lot of mistakes.

I'd be delighted to entertain questions.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. Mr. Tabuns, you're up first.

Mr. Peter Tabuns: Derek, thank you very much for coming and making the presentation. The first question is about the scale of idle or defunct small hydroelectric power. You indicated potential power generation from those. Could you express that in megawatts?

Dr. Derek Paul: Yes, 1,700. According to my informant, who I think is quite reliable, there is a great deal of idle—something fell into disuse, maybe a weir or a dam or something, but it's all here in southern and central Ontario. Putting that back into operation would be the first thing I would like to see done, in the interests of greening the energy scene. It should be very easy to do, in most cases. My figure is not, of course, reliable; it's a second-hand figure.

Mr. Peter Tabuns: Okay. The second question I'd like to ask: Going through your paper, you refer to the nuclear power plants that have been put forward as prototypes, ones that we are taking a risk on. Could you speak to the fact that these aren't fully developed?

Dr. Derek Paul: Yes. It's a fact of the nuclear industry. And I've known many people; I knew W.B. Lewis himself, and I've known leaders in the development of the metallurgy required for these reactors. It's certainly

true in the British scene: Every nuclear reactor the British built for a long, long time after they started in nuclear power was a new type, so essentially it was to some degree experimental.

In Ontario, we did a little better. We built eight the same at Pickering, and they turned out to be less good than we expected. I'm told by people—and again, this is second-hand information—that there's dissatisfaction also with the Darlington ones, though they seem to me to be working fine.

It is like that: Every time you build a different reactor, there's a sense in which it's experimental or a prototype. You don't find that in the automobile industry. When they first put on a new model, it's been tested hundreds of thousands of miles in terrible conditions and so on. You don't have the luxury of doing that with nuclear reactors, because they're too expensive. You can't build two or three, try them for 35 years and say—

The Chair (Mr. David Oraziotti): Thank you. I'm going to have to stop you there. That's time for questions. Ms. Broten.

Ms. Laurel C. Broten: Thank you for coming in. I have two questions arising from your brief. The first is on page 11, where you refer to "Page 19: 7. Feed-in tariff program" and you make mention that "Not all feed-in tariff programs that the minister may want will necessarily be feasible; at least, they may not be feasible at short notice. That is, the minister may want something to be accomplished that cannot be obtained/attained on the desired timescale." Can you just expand on your statement?

Dr. Derek Paul: Not really, no. It just seemed to me that there was some kind of implication that this would be automatic, and I just wanted to point that out. It's not an important comment, as the whole brief goes. It's just that I thought that maybe the writers of the brief thought that that sort of thing is automatic. It's a very, very minor comment; I didn't put any stress on that.

1430

Ms. Laurel C. Broten: Okay. With respect to the Co-operative Corporations Act, over the last number of days of hearings we've heard individuals coming forward from the co-operative community who want co-operatives to be defined as a community. One of the issues that they've raised with us is with respect to the fact that they would like to be defined as a community-driven project even though the members of the co-operative would not live within the geographic area surrounding the community. Do you have any comments with respect to that definition?

Dr. Derek Paul: Yes. I think the definition needs to be broadened so that it includes that but also includes a lot of other things. What I had in mind when I wrote that was that in Canada we tend to build up industries one way or another and then lose them because they go abroad—or the production goes abroad. I think co-operative corporations have the potential, in the long term, to keep industry in Canada where we want it, where we need it. So I would agree with including what you're

suggesting but also having it broad enough that you can include the other. So it needs to be a very broad range of types of co-operative that is permitted under the law—or recognized, I should say, under the law.

The Chair (Mr. David Oraziotti): Thank you. That's time for questions. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Mr. Paul, for joining us. It was a very interesting presentation covering a lot of things that I wouldn't have thought about, myself. It would be interesting; perhaps we can get something from legislative research, if there's a compendium of idled hydraulic plants in the province, because that sounds like a significant amount, 1,700 megawatts. It would be good if we could get a compendium of that historically and what the standing and condition of those plants may be today.

You also make a comment in your presentation with respect to wind. We know that the wind has one primary weakness, and that's the on-off nature, as you spoke of here. But you also said that it "becomes difficult to manage within any grid when it reaches between 8% and 18%...." Can you broaden that—

Dr. Derek Paul: Yes. If wind is giving you 18% of the power, on average, that means that it's going to be giving you roughly four and a half times that much at the peak, which means it's going to be giving you all your power on the peak and then you have to have all these other reserve sources of power for when the wind isn't blowing. That really shows you that if you are not going to go in for massive amounts of storage of energy, the highest you can go to with wind is somewhere around 18% to 22%, and then you have to have all the other forms of power, ones you can switch on when you switch the wind off. In Germany, they've reached somewhat over 8% and they're already predicting it's going to be very difficult to get to 18%, which is where they want to go to. It means you have to switch wind from one end of the country to another and so on. You can have all of the power by wind if you're willing to have massive amounts of wind power when the wind is blowing and then use it to pump water up into reservoirs. They've suggested using huge reservoirs in Norway, in the fjords and mountains, and then using the water power when the wind isn't blowing.

The Chair (Mr. David Oraziotti): Thank you, sir. That's time for questions.

Mr. John Yakabuski: As the lady says to her son on Enterprise Rent-A-Car, "Sounds expensive."

The Chair (Mr. David Oraziotti): Thank you, Mr. Yakabuski, for that. That's time for your presentation, sir.

ONTARIO BAR ASSOCIATION

The Chair (Mr. David Oraziotti): Our next presentation, the Ontario Bar Association. Good afternoon and welcome to the Standing Committee on General Government.

Ms. Dianne Saxe: Good afternoon. I'm Dianne Saxe. I'm here on behalf of the 18,000 lawyers of the Ontario

Bar Association. As you can imagine, getting 18,000 lawyers to agree on anything is no mean feat.

You have a lengthy presentation from us. In addition, you have a one-page summary of the recommendations, which are in the order, roughly, that they're dealt with in the presentation. They come in three general flavours: clarity, transparency and effectiveness.

Being lawyers, of course, clarity is near and dear to our hearts, and there are a number of areas in the bill that our members have already identified as good ways for us to make money. Any time the law is unclear, we make money. Generally speaking, that's not good for anybody else.

The recommendations we have that are specifically relating to clarity are 1, 2, 5, 8, 9 and 11—and I could leave these notes with somebody afterwards, if they like. The ones dealing with transparency, which is, how does the public know what's going on—again, very dear to the hearts of lawyers—those are particularly numbers 10 and 14. Then finally, we have a series of recommendations having to do with the effectiveness of the bill: Will it in fact create the kind of transformation that you have in mind? That deals primarily with 3, 4, 6, 7 and 13.

A number of our recommendations, particularly those relating to clarity, we think are dead simple. You should, for example, have rules that tell people, if they make a change to the project, do they need to get a new permit? Do they need to amend the permit? This is a pretty small point, but in the real world there's a terrible problem, because particularly with new technologies it's very hard to predict in advance exactly how all the pieces are going to work. We need some clarity as to how much flexibility people are going to have; they need to have it.

A similar thing which we think is really simple, small and should be in the bill easily is the question about equipment to collect information. As you may be aware, there are a lot of provisions in here for if you get your renewable energy approval, you're exempt from municipal zoning. How do you get your renewable energy approval? You need all kinds of data. How do you get the data? You have to put a mast up. How do you put a mast up? You can't, because it's governed by the zoning. That's the kind of small thing that we think is easy and you should fix.

Similarly along the easy line are questions of access to information. Right now, your bill provides for the Environmental Commissioner to provide a really important public oversight role, but he or she can't get the information they need because the facilitator, who has the information, has to keep it confidential from the Environmental Commissioner. I think this is silly.

Similarly, we've got a well-established regime in Ontario under the freedom of information act as to what sorts of things should be confidential and what sorts of things the public has a right to know. Hazards to human health, the environment and safety are things that the public has a right to know. Your bill says that they're going to be confidential. We think you should use the same rule in different statutes on the same sorts of things.

Those are the easy ones, but there are some really hard ones here, and the hardest one of all is our recommendation number 1, which in fact deals with clarity, transparency and effectiveness. If you don't solve this, you're going to keep us busy for a long time—and on behalf of my children, I thank you, but really, you don't want to do this.

Right now, the bill says that the Ministry of the Environment—and I worked there for many years: wonderful people, a great place, but don't know anything about land use planning, right? It's not their jurisdiction, it's not the training of the people who work there and it's not been their job until very recently. Now they're going to have to do it under the Clean Water Act, but that's an elaborate process with everybody having to agree and years of plans. It's something where the ministry is already going to have grief, but only in relatively small areas—watershed protection zones, wellhead protection zones and so on—and it's going to be after years of consultation.

This bill is different. In this bill, you're making the Ministry of the Environment responsible for land use planning decisions on a large number of private sector activities in all kinds of places and you haven't told anybody how this is going to happen. You have set up a legal test in this bill which is different than the legal test the courts use for deciding, for example, what's a nuisance and what can go where, and you haven't told anybody how it's going to be resolved.

Now, when we get to questions, somebody might ask me what we think you should do. I can tell you right now that the 18,000 lawyers don't agree on what you should do. All I can say today is, you should tell us what you mean, because otherwise we'll be fighting it out in the courts and there will be terrible disasters where somebody spends a gazillion dollars getting an approval, builds the thing and then the court shuts it down as a nuisance, and that's bad for everybody but the lawyers. It's tough, but we think you should fix it.

That's a summary of what we have to say. If you have any questions.

The Chair (Mr. David Orazietti): Thank you very much. Ms. Broten.

1440

Ms. Laurel C. Broten: Thank you, Dianne, for your presentation. I'm wondering whether or not in this presentation from the OBA this is a consensus position.

Ms. Dianne Saxe: Yes.

Ms. Laurel C. Broten: I'm wondering whether or not there are other areas—and I'm referring to comments that I've received with respect to the Condominium Act. Are you aware of discussions with respect to the Condominium Act, and are they not included because they don't meet that consensus position?

Ms. Dianne Saxe: I'm very sad to tell you that the reason the real estate section didn't get their comments in is that they didn't get a quorum at their meeting, so they missed our deadline. But there's no more substantive problem than that.

Ms. Laurel C. Broten: Okay. So that's why it doesn't flow through this process—

Ms. Dianne Saxe: The real estate section has to get its act together and get its submission in its own way.

Ms. Laurel C. Broten: Okay. Thank you.

With respect to the one-window approach, I had a chance to just look quickly at the detail that you've provided with respect to one-level approval. I wonder if you were here in the room when I was asking questions of Cherie Brant of the First Nations Energy Alliance with respect to the interplay between the federal and provincial governments and whether you had any comments in that regard when it comes to First Nations projects.

Ms. Dianne Saxe: I was here for the end of that submission. Certainly, it is very troublesome. We're not surprised that you're not dealing with federal issues, because you can't govern federal issues, but one of our constitutional points is that you don't deal with aboriginal rights in a coherent way in this bill. We point out that, for example, in the transit EA regulations you do specifically identify matters of provincial interest and aboriginal rights as being special circumstances that allow the clock to be stopped. That seems to us to be comparable to the sort of thing—you do need to explicitly deal with how you're going to deal with these or the court's going to do it for you. So you want to get out ahead there.

The Chair (Mr. David Orazietti): Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Ms. Saxe, for joining us today. It's not very often that I can say—of course, Ms. Broten understands the profession much better than I do, but it's nice but unusual for lawyers to be coming in and clearing the air. But we're glad to have that submission, because the minister on one hand, talks about how this is a bedrock piece of legislation for this government and then, on the other hand, when we ask questions about it, he kind of dismisses us: "Don't you understand it?" But it's good to see that there are many people out there who don't understand components of the act or certainly don't see how they're going to work efficiently.

I don't have any direct questions, although I was looking over this service guarantee section because some of your verbal and written submissions cover some different areas. But it's interesting how the clock can start and stop and how this six-month guarantee could become sort of a moot point, even though the minister likes to talk about these things when he's promoting the act to the general public and how well it's going to work. But it's good to see that there are people who are actually examining this and saying, "You know what? It's not as simple as that." So we do appreciate your input.

Ms. Dianne Saxe: Thank you very much, committee.

The Chair (Mr. David Orazietti): Sorry; Mr. Tabuns.

Ms. Dianne Saxe: Oh, sorry.

The Chair (Mr. David Orazietti): It's okay. We're just about done.

Mr. Peter Tabuns: I always get left to the end, and then people leave and it's brutal.

Anyway, thanks very much for the presentation. It's useful and there are a lot of practical things in here that I hope the government will bring forward, just to make

sure the bill is clean and not confusing so that we don't keep people heavily employed in the courts: Bleak House applied to the environmental situation.

You mention here the whole question of aboriginal claims, and the First Nations environmental electricity group spoke about the need to respond to aboriginal claims, not just those that have been settled but those that have been asserted, and not just to consult but also to accommodate. Do you have any commentary on their position?

Ms. Dianne Saxe: Remembering again that I am working from a consensus group, I think we can say that the approach that's been taken in the transit EA is one that sets a precedent that at least the province is already trying to work with, and that deals with aboriginal rights, not aboriginal claims. The more you multiply approaches for dealing with similar issues, the more confusing you make it, the more busy you keep us. So I'm not saying that the transit EA was the right decision, but at least it's the one that has already been chosen and it's the one where a number of important decisions are being made, so it would be a good place to start.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation this afternoon.

Ms. Dianne Saxe: Thank you very much.

CHRIS CHOPIK

The Chair (Mr. David Oraziotti): Our next presentation is Chris Chopik. Good afternoon, sir. Welcome to the Standing Committee on General Government. You have 10 minutes for your presentation, five minutes for questions from members of the committee. Please state your name for the purposes of Hansard and you can begin.

Mr. Chris Chopik: Chris Chopik. I'm going to keep my presentation short so that I can ensure that everyone's got enough opportunity to ask questions.

There's a small bio here for those who are interested in reading it. I'm a realtor, vice-chair of the Toronto Real Estate Board's green task force and an instructor at real estate boards across Ontario.

As an informed Ontarian and supporter of the Green Energy Act Alliance who has lived here in Toronto for my entire life and plans to live here for the foreseeable future, I'm in complete support of the Green Energy Act from all perspectives.

As an instructor of realtors across Ontario, I can say with absolute confidence that Ontarians who are doing the right thing for themselves and the environment have not seen the real estate industry being effective at putting a value on home energy efficiency. In the last year I have spoken to roughly 1,700 realtors in training contexts. Every time I teach a course, I ask people to put their hands up: "Who has sold a house with a geothermal heating system?" I ask those same folks to tell me, "Who has received a premium from the marketplace?" I then ask what was the reason that they did not, because the consistent answer was they did not. The reason that they did not was because the buyer market does not understand energy performance.

The reason a mandatory energy label is so critically important is that there is no market mechanism to ensure that energy enters into the conversation within the purchase and selling process. There are no court cases where realtors have been sued for nondisclosure of energy performance. Banks do not account for the true cost of operating when assessing the debt service ratio for qualifying mortgage borrowers.

The consuming public deserves to be protected from unknown energy costs today. In future, it's generally accepted that energy prices will continue to climb. This means that there is going to be more exposure of individuals to the effects of energy inflation. The Ontario housing market will be more resilient in the face of energy inflation while the mandate affects the acceleration of energy retrofits in existing buildings. This will help protect the future value of housing stock in the Ontario marketplace and the quality of life of Ontarians.

The Ontario Real Estate Association's position on the issue is impotent, in my opinion. It is not well informed, it does not show desire to protect the long-term real estate interests of Ontarians, and many of the objections are empty. I have had the opportunity to speak with hundreds of realtors who share this opinion.

There are a few points that OREA raises that warrant further discussion. I strongly recommend that the government enter into a consultative process with organized real estate to ensure that a process for implementing this label is created that will work within the real estate business and each transaction. I met with the finance ministry last August to discuss the possibility of incorporating a database field for energy labelling in MPAC. It seems as though that's a possibility, and I suggest that you pursue that.

Finally, in addition to pure energy measurements, there are many other issues that are facing property owners, municipal governments, and, increasingly, environmental issues that relate to insurance. I think that it's appropriate to look at incorporating water conservation issues, issues such as the presence of trees, into this label.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. Mr. Tabuns? Pardon me; Mr. Yakabuski.

Mr. John Yakabuski: Trying to skip me.

The Chair (Mr. David Oraziotti): I wouldn't do that.

Mr. John Yakabuski: I was on to you. I know we wanted to get Peter first, but next time, Peter.

Mr. Peter Tabuns: Next time. I know, my time will come.

Mr. John Yakabuski: Thank you very much for your presentation today, Mr. Chopik.

Mr. Chris Chopik: My pleasure.

1450

Mr. John Yakabuski: On the issue of energy audits, while it may be—and I would suggest it would be—helpful to any homeowner to know what the energy efficiency or lack thereof of their home is, the issue in this bill is not finding that out about homes, it's that it only injects that into the mix at the time that someone is trying to dispose of their home. They're not in the bus-

iness of trying to upgrade their home at that point. They've made a decision; they want to move on. Some can afford it, some can't. In fact, some people today who have lost their jobs would probably be in the least—I was listening to people on the radio today saying, "I'm a month away from losing my home. I hope I can sell it before then." That's the kind of situation some people are in today.

The other side of it is that there is no requirement, with respect to this energy audit, for anyone to invest a single nickel if, for example, they were to have the price reduced because of the fact that the home scored lower than the buyer had hoped. There's no requirement to invest any of that into energy efficiencies in the home. I'd like you to comment on those two if you could.

Mr. Chris Chopik: Okay, so requirement on energy efficiency investment first: You're absolutely right. Right now, there is no conversation about energy. When I take you to purchase houses, we may see objectively similar properties. One may cost \$600 a month to operate, and the other may cost \$200 a month to operate. It's the same as when you go to purchase a car. By law, consumers are disclosed the miles per gallon or litres per 100 kilometres. I believe that it's appropriate to disclose energy performance—

Mr. John Yakabuski: Not of that specific model. There's a difference.

Mr. Chris Chopik: Okay, sure. Then we can get into a debate with NRCan about whether HOT-2000 is as good as HERS in the US. Those issues aside, because we're dealing with the law of the land in Canada, which is EnerGuide, there are some imperfections within that system. But disclosure and having the conversation with the customer will elevate the demand and create a marketplace where people who invest their hard-earned dollars in home energy efficiency, which benefits us as a society and benefits them individually, then are in a position to enable my industry, the real estate industry, to put a value with greater ease on somebody's investment of \$35,000 in a geothermal heating system, as an example.

The Chair (Mr. David Oraziotti): Thank you, Mr. Chopik. That's your time for questions. Mr. Tabuns.

Mr. Peter Tabuns: Chris, thanks very much for the presentation and the background information. I've been puzzled by the Ontario Real Estate Association's approach on this. I assume you've been involved in discussions with other realtors. What's driving them on this?

Mr. Chris Chopik: I don't get it either, frankly. I'll cite a specific example. This is a document that came from OREA, and some of you have this. Item number 2 is that one of their objections to mandatory labelling is that "those sellers who can afford expensive retrofits will want a premium sale price." Well, that's the reason I have a job. My job is to put a value on these things. I am very puzzled by OREA's position. I think that it's also ineffective at getting a job done. We could be consulting in a positive way on how to make this work, rather than putting up relatively empty objections. I think that's the problem I have with OREA's position.

Mr. Peter Tabuns: One of the statements that was made in Ottawa by the OREA speaker was that buyers can now tell how much energy is being consumed by looking at the bills that a homeowner can present for their gas, electricity and so on. Do you find that a reliable guide?

Mr. Chris Chopik: Well, my human experience is that some sellers are very organized, and I can ask them for their property file, which includes all sorts of very organized data, and others are disorganized. So 25% of my clients will have that information readily available and easily accessible, others will have to go find it, and some won't be able to find it at all. In my industry, those who don't want to participate in helping sellers put a higher value on energy performance aren't doing that every day today. They've had a chance to do it in a compliant manner, and they've failed. We have failed as an industry in Ontario.

The Chair (Mr. David Oraziotti): Thank you. Ms. Broten.

Ms. Laurel C. Broten: Thank you, Chris, for your comments and your paper. I want to focus on two things: One is, with respect to section 112 of the Condominium Act and the challenges that that's creating, just see if you can expand a little bit on how you would propose that that would be remedied. The second question is, as a realtor, can you think of any circumstance where a purchaser would not care about the energy rating of a home?

Ms. Chris Chopik: A purchaser who's planning to tear a house down or tear it apart would not care, although, if the grants continue into the future, then there would be a reason to have a pre-audit if you're going to do a gut reno on a property. I think that through that dialogue that I'm recommending with real estate, there are things that we'll discover and properties that may be exempt. In fact, there may be legal work to the whole process.

With respect to section 112 of the Condominium Act, I've been part of some community groups that have been cultivating interest in solar in Toronto, particularly, and there is a lot of interest for multi-unit residential buildings, including co-ops and condominiums. The act currently does not allow for conditions that would enable a condo board to make a decision to invest in solar PV, for example, or geothermal heating, and to create a circumstance that a lender is going to be comfortable lending against, despite the fact that the mechanisms in the act to provide a profitable and sensible allocation of resources exist.

Ms. Laurel C. Broten: Thanks very much.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. That's time for questions.

BLUE GREEN ALLIANCE CANADA

The Chair (Mr. David Oraziotti): Our next presentation, Environmental Defence and United Steelworkers union national office.

Good afternoon, Mr. Neumann. How are you?

Mr. Ken Neumann: Good. How are you? Good to see you again.

The Chair (Mr. David Oraziotti): Mr. Smith.

Dr. Rick Smith: How are you?

The Chair (Mr. David Oraziotti): You have 10 minutes for your presentation and five minutes for questions from members. Just state your names for the purposes of Hansard, and you can begin when you like.

Mr. Ken Neumann: Thank you very much. My name is Ken Neumann. I'm the national director for the United Steelworkers in Canada. We represent about 250,000 members across the country, roughly 80,000 of them here in the province of Ontario. Our members work in almost every sector of the Ontario economy, including universities, health care, security, banking, transportation and hospitality, as well as the forest industry, mining, primary steel and secondary manufacturing.

I am very proud to be able to present to this committee today alongside Rick Smith, who is the executive director of Environmental Defence, one of the most effective and innovative environmental groups anywhere in the world. I am also very proud that my union and Environmental Defence have agreed to establish what we will call the Blue Green Alliance to work together on projects to advance the goals of environmental and economic sustainability, which we believe must go hand in hand.

The official launch of our alliance is scheduled for later this week and you're all invited, but today's important hearings on the Green Energy Act are a suitable occasion for what might be considered our public debut. I'm very pleased that we have this opportunity to present our views on this legislation and how it could be part of an extremely important effort to rebuild our manufacturing economy while also cutting emissions of greenhouse gases.

Many Steelworker members in Ontario and across North America work in some of the most energy-intensive industries, and they face the prospect of serious adjustment to a world committed to preventing catastrophic climate change. But they also stand ready to produce the next generation of clean energy products and parts, such as steel for windmills or glass for solar panels. Our union called for concerted effort to avert global warming as far back as 1990, when we published an environmental policy called Our Children's World.

I will focus my comments on the promise of green jobs and the need for concrete policies to make sure that the jobs are in fact created in Ontario. I don't have to remind members of the Ontario Legislature of the devastation that has hit this province's manufacturing. We have seen hundreds of thousands of jobs disappear in the manufacturing and forestry sector. The pace of layoffs and closures has only accelerated in the past few months, and while I hope that the economy will soon begin to turn around, it would be foolish to think that unemployment will not continue to rise for some time to come. This makes it all the more vital to use every available tool to save and create jobs here in Ontario, especially as we reshape the economy to be sustainable in this new age of a warming planet.

On page 20 of Bill 150, as part of schedule B, section 7, there are two very important words: "domestic content." In this section, the proposed legislation would grant the Minister of Energy authority to direct the Ontario Power Authority to incorporate goals for domestic content in its programs of feed-in tariffs for renewable energy projects.

We see this as an encouraging indication of the Ontario government's commitment to ensure that the transition to new forms of power is accompanied by significant economic benefits for Ontario workers and their families. We believe there is tremendous scope for these benefits in design, engineering, manufacturing, construction and operation, but also reason to believe that affirmative policies are necessary to guarantee that they are achieved.

1500

A useful next step would be for Minister Smitherman to make available a draft directive setting out a schedule of domestic content requirements that are tailored for the different forms of electricity generation, and evolving over time. The specific levels would have to be set out in the context of available resources, especially manufacturing capacity, and should increase over time to drive capacity creation.

I think we can take note that our neighbouring province of Quebec has established a requirement that 60% of the costs of their aggressive program to procure large amounts of new wind power must be spent in Quebec. This is an example that can be drawn upon as Ontario builds its own policy appropriate for Ontario's unique manufacturing potential.

Thank you for your attention.

Dr. Rick Smith: Thank you, Ken, very much.

Mr. Chair and committee members, I'm also very pleased to be here today, for a number of reasons. I'm pleased to be able to voice my support for a bill that will help to ensure that Ontario does its part to fight global warming. I'm pleased with the bill's objective of bringing new green economic growth to Ontario. And I'm very pleased to be sitting here side by side with a leader from the Ontario labour movement to show a united approach to solving Ontario's economic and ecological challenges.

I'm just going to limit my remarks to a few areas today on the issues that this committee has heard in its deliberations. But generally, I wanted you to know that I offer my full support to all of the Green Energy Act Alliance's recommendations that have already been made to this committee. Significant time and resources have been spent to ensure that these recommendations are informed by global experts and represent a broad range of stakeholders. These recommendations, I think, properly implemented, will make Ontario a leader in renewable energy and conservation, reduce our greenhouse gas emissions and bring jobs to the people of Ontario. I think that these recommendations from the Green Energy Act Alliance will very much improve Bill 150, and I would commend those to your attention.

Just so we don't lose sight of the big picture that we're discussing in all the hours of deputations you've heard

thus far, I wanted to address some of the claims that this committee has heard in the past two weeks, in the hopes of providing just a little bit of clarity.

Some groups have come before you painting themselves as environmentalists and claiming—I think, strangely—that this act will hurt the environment. I just wanted to be perfectly clear that if Environmental Defence—if I thought that this act could in any way have a net negative impact to the physical environment or public health, I'd be singing a very different tune here today. I just wanted to point out the obvious, that established environmental groups across the province, across the country, of all shapes and sizes, including the David Suzuki Foundation, World Wildlife Fund Canada, the Pembina Institute and others, support the direction and vision of the Green Energy Act. All of these groups represent the environmental and the public's interests, and we are not financially motivated. Our message is clear: The Green Energy Act is a powerful mechanism for putting Ontario on the right track toward a sustainable energy future and ensuring the long-term protection of our environment and public health.

We're not interested, of course, in siting facilities that will threaten Ontario's sensitive ecosystems. I sat here in this very room, deputing on the Endangered Species Act, not that long ago. We're not interested in injuring endangered species' habitat, parks and important agricultural areas, and certainly we'll work to ensure that scientific determinants are used to protect public health, based on best international practices.

This act empowers the Ministries of the Environment and Natural Resources to outline rules for siting these facilities. Please rest assured that Environmental Defence and our fellow environmental organizations and our allies in the trade union movement will make sure that these rules are developed for the good of the public and the environment.

Secondly, people have presented this committee with various so-called facts about other jurisdictions that are just not true. The committee has been told that renewable energy has not in fact reduced Germany's emissions. Well, this is easily google-able, if that's a word—

Interjection: It is now.

Dr. Rick Smith: It is now—in this day and age. It's not true. In 2007, the German government reported overall emissions were down 2.3% over the previous year. In 2007, the German ministry of the environment reported that 117 million tonnes of CO₂ were avoided through the use of renewable energy for electricity, heat and transportation. In Denmark, renewable energy has helped reduce CO₂ emissions by 31% from 1990 to 2007, and emissions from coal plants were down 41% over that same time. So this allegation that somehow there's no relationship between renewable energy and decreases in greenhouse gas emissions are not only counterintuitive, they are, in fact, untrue.

In closing, I have deputed to many committees at Queen's Park over the years on various issues. All of these issues were, of course, important, but I think this

bill has the potential to be truly transformative. This is a moment when new things are possible—new alliances between groups such as ours, which, frankly, over the years have been at odds on some issues but are here today, standing shoulder to shoulder, united in building a better Ontario for our kids; new thinking regarding an energy policy that has the potential to be the most progressive in North America; and a new prosperity built on the twin pillars of environmental protection and a re-invigorated green economy.

I don't need to tell you that Barack Obama in the United States is galloping forward trying to draw green jobs to that country. We would like to make sure that wind turbine manufacturing jobs and solar photovoltaic manufacturing jobs end up right here in Ontario. We think this bill is good policy, and we call on all parties to support it. Thank you very much.

The Chair (Mr. David Oraziotti): Thank you very much, gentlemen, for your presentation. I'll start with Mr. Tabuns.

Mr. Peter Tabuns: Ken, Rick, thank you very much for the presentation. One of the primary interests that all of us have here is the potential for economic development coming out of large-scale green energy investment. Could you speak a bit about the impact in the United States—Pennsylvania and the Midwest states—of the initiatives that have been undertaken to promote renewable energy?

Mr. Ken Neumann: Thank you very much. I can tell you that our union, the Steelworkers, also has a Blue Green Alliance in the US, and that's exactly what they've done. They've come together with like-minded recipients in regards to talking about renewable energy. You've got some abandoned steel mills and now they've got companies from abroad that have come in and are now using those facilities where they've been retrofitted to basically be able to produce. Prior to the crash of the economy, we had 1,000 steelworkers that were producing windmills for the US. That's the kind of thing where there's no reason why we can't have that similar circumstance here in the province of Ontario, instead of having the imports that we presently rely on. That's what I talked about earlier about creating jobs.

We're working very closely with the Blue Green Alliance in the US and that's why we formed the Blue Green Alliance in Canada, to bring those initiatives forward where it's feasible for us to do. We think that what this Green Energy Act does in regards to procurement—there's an opportunity here for us to capture that in regards to putting some of that good steel from Algoma and other places to good use and put it into the production of the steel mills.

The Chair (Mr. David Oraziotti): Thank you. Ms. Broten?

Ms. Laurel C. Broten: Thank you, Ken and Rick, for your presentation. Both of you made comment with respect to a changing horizon in the US. For many years in Ontario, we were able to look to our neighbour to the south and feel some sense of level, that we were ahead of

the game. Ken, I wonder if you can speak to the changing landscape in the US, with the movement by President Obama and the labour movement as well, as to what big steps we need to take in Ontario to remain competitive and be in that first-place jurisdiction that we want to be in.

Mr. Rick Smith: Let's just start with President Obama's recent stimulus packages and his budget. There is just an unbelievable amount of money in there to kick-start renewable energy industries, to lure green jobs to the United States. There's so much money in there to do that. We've tried adding it up; it's difficult. There are so many various line items that bear on this area that it's difficult to even tabulate it.

As a subnational jurisdiction, Ontario clearly can't keep pace with that, in terms of outspending the United States, but what we can do, and what we think this act starts to do, is compete in terms of bringing the best new ideas to the table, bringing innovative new policy mechanisms that have a track record elsewhere, like in Europe, to North America for the first time. We think it's very important that Ontario, if this act is passed—as I say, we think there are some improvements that can be made to it—will become the first jurisdiction in North America with a feed-in tariff program that has a demonstrated track record in Europe. That's the kind of innovative policy mechanism that will allow us to compete, that will allow us to position Ontario as a leader to attract international investment.

1510

The Chair (Mr. David Oraziotti): Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for joining us today. I'll touch on a couple of things you said: You referenced Barack Obama a couple of times in, I would say, a very positive way. Barack Obama has also said that he is going to be investing billions of dollars in clean coal technology. So I'd like to get your comments on that, but first I want to touch on a couple of other items as well.

Jobs: Juan Carlos university in Madrid spoke to what they saw as the Spanish experience, where for every job that they found created in renewable energy, 2.2 jobs were lost in the rest of the economy. I'd like you to comment on that. And London Economics International recently released an executive summary of a study that indicated that the price of electricity under this act—and we certainly have examples in Denmark and Germany with regard to the price—could go up 30% to 50% with respect to the enactment of this act. So if you could comment on those three issues, please.

Mr. Rick Smith: I'll take a very quick crack at it and then turn it over to Ken. Quite simply, it's never possible to find complete unanimity in the scientific community. There are still scientists out there who claim the earth is flat and produce scientific studies to back that up. One of the main proponents of that actually just recently passed away; there was a big newspaper piece about it. But my point is that there are many, many more studies indicating that investment in renewable energy is good

economic policy. The studies you cite I think are outliers. We actually have significant problems with the methodologies of those studies. I don't think they hold water. I'd be happy to give you those details.

Mr. John Yakabuski: What about Barack Obama?

Mr. Rick Smith: I lost track of all your questions. What was your question about him?

Mr. John Yakabuski: Clean coal.

Mr. Rick Smith: Clean coal? I don't think we need it here, and we're delighted that we'll be getting rid of all coal plants by 2014. I'm delighted that that was an initiative that in many ways was started by the Progressive Conservative Party, that started that ball rolling.

Mr. John Yakabuski: That wasn't the question.

Mr. Ken Neumann: Just quickly, again, to your first question in regard to—there are still some people who dispute global warming. The Spanish report you talk about: I know it cites enormous potential for green jobs, and I know that Germany has created 250,000 jobs from an investment in renewable energy and obviously is predicting much more to come.

We as a union think that it's important to take action to reduce the greenhouse gas emissions and to make sure that the economic changes which this province is going to be facing are going to be to the benefit of jobs here in Ontario and in Canada. So I think that that's very crucially important.

The Chair (Mr. David Oraziotti): Thank you very much, gentlemen. That's time for the presentation.

LOW-INCOME ENERGY NETWORK

The Chair (Mr. David Oraziotti): Our next presentation is from the Low-Income Energy Network. Good afternoon, and welcome to the Standing Committee on General Government. You have 10 minutes for your presentation and five for questions. If you can start by stating your name for the purposes of Hansard, you can get started when you like.

Ms. Mary Todorow: Thank you. My name is Mary Todorow. I'm a research and policy analyst for the Advocacy Centre for Tenants Ontario. We're a specialty legal clinic with a provincial mandate which is funded by Legal Aid Ontario. We engage in test case litigation, law reform and education advocacy to improve the housing situation for low-income Ontarians, including tenants and homeless persons. With me is my colleague Theresa McClenaghan. I'll let her introduce herself.

Ms. Theresa McClenaghan: My name is Theresa McClenaghan, and I'm the executive director of the Canadian Environmental Law Association and a steering committee member of the Low-Income Energy Network.

Ms. Mary Todorow: ACTO and CELA are among of the founding members of the Low-Income Energy Network, or LIEN. We're a group of environmental, anti-poverty and affordable housing advocates who joined early in 2004 to raise awareness of the impact of rising energy prices on low-income households and to suggest sustainable solutions to aid these vulnerable consumers.

Our approach places the greatest emphasis on reducing energy consumption and costs for those least able to afford higher energy prices and who face barriers to full participation in the culture of conservation that is being fostered in the province.

We have recommended a strategy consisting of—I'm going to actually refer you to a handout that I just sent out, because there's a pictorial representation. It's a pyramid that is our strategy on how to address energy poverty in Ontario. What we have are targeted low-income energy conservation and efficiency programs at no cost to recipients. That's the base of the program. We want to have the most emphasis and the most resources invested in the base there, which is those programs, and consumer protection and education measures. Then we want permanent low-income rate assistance programs; extensive consumer education, as I mentioned; and then emergency energy assistance to help households in short-term crisis. We expect there's going to be less and less need for emergency crisis as we have success with the investments at the base of the pyramid.

Equitable access to energy conservation programs is the foundation of a comprehensive strategy to reduce energy poverty in Ontario. We anticipate that the proposed Green Energy Act can make real progress on conservation programs targeted to low-income consumers—and my colleague Theresa will be speaking in more detail about this. However, conservation programs alone are not the solution to affordable energy for low-income consumers. They must be offered in tandem with a low-income energy rate assistance program.

LIEN participated recently in the Ontario Energy Board's consultation on energy issues affecting low-income consumers. We were extremely pleased that the board recognized the need for a comprehensive approach in their report that establishes a low-income energy assistance program, or LEAP, that should be in place by November 2009. But we were disappointed that the OEB declined to provide the permanent energy rate assistance program for low-income consumers that LIEN has recommended. We have again argued strongly for the board to adopt such a program in our comments on the LEAP report that we just submitted this past Friday and we'd be pleased to provide copies of our comments. It's 37 pages, so I didn't want to bring a whole bunch of copies with me for the committee members who were interested.

Before my colleague Theresa speaks, I'd like to specifically address the issue of electricity sub-metering or smart metering in the multi-residential rental sector, where more than a third of all the households are living at or below the poverty line.

If the smart-metering initiative in the multi-residential rental sector does go forward, the key to maximizing energy use reductions and protecting housing affordability and housing security for tenants will be a permanent rate assistance program and funding for incentives for energy retrofits in this sector. Without low-income energy conservation programs for multi-family buildings, tenants will be facing even costlier above-guideline rent

increases for the capital expenditures spent on retrofits—and that's because landlords can apply for above-guideline rent increases for what they spend on doing those retrofits in the buildings. Any public funding they get will be deducted from the applications for those above-guideline rent increases.

Thank you for the opportunity to share our concerns with the committee today, and I'll turn it over to Theresa.

Ms. Theresa McClenaghan: As Ms. Todorow noted, in 2004 LIEN was formed in the face of major restructuring of the Ontario electricity system at that time and with the prospect of significantly increased energy costs for all fuels looking forward into the future. We would suggest that the prospect of increased energy costs is a reality that remains with us. LIEN advocates both a sustainable energy system as well as an energy system that is affordable to all Ontarians, including our low-income and vulnerable residents.

Much has developed since then. An emergency assistance program was developed, there have been further major changes to the electricity system and a growing recognition of a variety of threats, including climate change, environmental risks from various forms of energy production and much-increased recognition of the vulnerability of low-income consumers to higher energy prices. There is much at stake, and we recognize that there are many issues to balance as this groundbreaking legislation is developed.

For its part, CELA, in addition to its role as a steering committee member of LIEN, has provided advocacy regarding an approach to sustainable energy that includes a radical increase in energy savings through conservation and demand management programs and an ultimate goal of complete reliance on renewable energy sources for our remaining energy needs. LIEN reflects this approach in our advocacy, as Mary has just outlined.

One of the specific provisions of Bill 150 is the inclusion of the provision making clotheslines legal across Ontario. We're pleased to see that that will be retained in this legislation even if municipal bylaws or restrictive covenants would otherwise forbid them. LIEN and CELA were highly supportive of this provision when first enacted and we continue to be supportive of the need to override such archaic provisions as those attempting to restrict clotheslines.

One area that does still need to be addressed and we would advocate be done in further regulation is expanding the regulation to apply to multi-storey buildings. Low-income consumers are often tenants and often in multi-storey buildings. It's common practice to see clotheslines in use in multi-storey buildings, for example, across Europe, where high energy prices have been a fact of life for many years. They form part of the picturesque landscape, are used by residents of every socio-economic bracket and should be available to multi-storey residents here in Ontario as well, whether the buildings are owner-occupied or tenant-occupied.

1520

Similarly, Bill 150 proposes, for the first time, the ability to prescribe certain appliances and products which

may be prohibited for sale if they don't meet specified efficiency standards; those include water efficiency as well as energy, because in fact that can be a very major draw on energy requirements. LIEN supports this provision and urges the mandated use of low-flow toilets in both new installations and retrofits, and a ban on sale of those appliances that do not meet these efficiency standards.

LIEN also stresses that the provisions providing for regulations regarding procurement by public agencies and in making capital investments, as are provided in Bill 150, include social housing in those regulations. All too often the energy burden that low-income residents are facing today has arisen because choices were made in the past to pursue the cheapest up-front construction and appliances in social housing.

With respect to conservation programs otherwise, LIEN notes that Bill 150 includes provision of conservation or renewable energy programs across fuels, and LIEN supports this approach. Low-income residents may be utilizing high-priced electric heat but they may also be utilizing, across the province, propane, wood or oil, for example. Developing multi-fuel conservation programs is an approach that LIEN strongly supports.

I also note that we support the broader definition of "environment" in this bill for the purpose of the renewable energy approvals because they propose to include the definition that says "social, economic and cultural conditions that influence the life of humans or a community" are part of the definition of environment. LIEN would advocate that the impact of renewable energy decisions on low-income consumers and ensuring access to renewable energy by low-income consumers should be included in decisions made pursuant to the act. Low-income consumers want to be part of a sustainable future and not left to the side, with only those who can afford it participating in a more sustainable future.

We do include with this presentation a copy of the submission that my organization, CELA, made to the Environmental Bill of Rights posting for this bill, from which these brief remarks are extracted, and would be happy to answer any further questions the members may have.

The Chair (Mr. David Oraziotti): Thank you very much. Ms. Broten.

Ms. Laurel C. Broten: Thanks very much for your presentation. I just wanted to focus on conservation program assessment and advice that you may have for the committee with respect to attaining the minister's goal of seeing the Green Energy Act move us very much forward with respect to both renewable energy and conservation, and whether you have any advice as to how, as we continue to build on conservation programs, we can put in place mechanisms that help us determine that they're helping the people we want them to help.

Ms. Theresa McClenaghan: Yes. Bill 150, as proposed, lays out a special-purpose account mechanism for conservation program assessments and it particularly notes that those programs could include decreasing

consumption of two or more of the various fuels: natural gas, electricity, propane, coal, oil or wood. We agree with that approach. It means that there's increased transparency in the use of the fund and it also means that it can be applied in respect of geographic, social and income differences across the province. That transparency is extremely important in terms of public confidence in the fund and it's a way of being able to tell that yes, in fact there's progress being made. So that's the approach that's being taken and we'd support that.

The Chair (Mr. David Oraziotti): Thank you. Mr. Yakabuski.

Mr. John Yakabuski: Thank you for joining us today. The other day the market price of electricity was barely over three cents. When you see what the government is prepared to pay as feed-in tariff rates, we do know the experience of European countries with respect to their rates for consumer electricity. We all understand and support conservation, because no energy should be wasted. Would I be incorrect in presuming that your organization has serious concerns about the price of electricity, where it could go under this act? And that doesn't even take into consideration the 8% additional that people are going to be paying on their electricity bills post July 2010 as a result of the harmonization of the sales tax. Could you comment on that?

Ms. Theresa McClenaghan: First of all, as I said, in 2004 LIEN was formed in part because we realized that some of our organizations were advocating full-cost pricing of electricity and incorporating externalities from electricity into energy pricing. At the same time, many of us have mandates to represent vulnerable and low-income consumers. So we needed to reconcile those objectives, which at first glance appear inconsistent. In terms of the price, that's why we advocate that for those who remain marginalized or are otherwise low-income consumers we need to have programs that allow them to access conservation and that provide for affordability. That is the aspect that we do continue to advocate be done. That doesn't mean we don't think that prices should reflect the cost of production, nor does it mean that we don't fully support renewable energy production—which we do.

I want to add that the cost to low-income consumers is often far greater. They bear a far greater burden of energy than do more affluent consumers. So they may be paying because they have electric heat; they may have poorly insulated shelter. They may suffer loss of their housing because of being unable to afford the electricity. And so the fact is that we need a complete system which both lets them participate in conservation and lets them have properly insulated housing, and for those people who still can't afford rates, provides a proper program. We advocate a program of declining tariffs so that there's an incentive for everybody to conserve but that their basic needs are met.

The Chair (Mr. David Oraziotti): Thank you. That's the time for questions. Mr. Tabuns.

Mr. Peter Tabuns: Mary and Theresa, thank you very much for the presentation. When you talk about low-

income rate assistance, how much are we talking about per kilowatt hour? Have you got a rate in mind? Do you have a methodology for setting that? How do you approach it?

Ms. Mary Todorow: We do. We have a report, actually, on it, which is a tiered discount program. It's described quite thoroughly here. I can—

Mr. Peter Tabuns: Why don't you summarize and then give us a copy of the report?

Ms. Mary Todorow: We don't think people should be paying more than 6% of their total household income on their total energy costs, whether its electricity and gas, or if its all oil, whatever it is, because when you start paying more than 6% of your total household income, that's when you start getting into payment difficulties. That's what we proposed, and what we proposed was a discount. It's a fixed credit, and if you consume above that amount you're going to have to pay the cost of it, but there's an incentive for consuming below a certain amount, because that means you pocket the savings. It's available on the Low-Income Energy Network's website, so everyone can have a look at it and—

Mr. Peter Tabuns: I understand the principle that shapes the approach—

Ms. Mary Todorow: So basically it would depend on what your bill is and your income.

Mr. Peter Tabuns: Got it.

And the scale of the project to do the retrofit work in Ontario—do you know how many people are living with low incomes? Do you have a sense of the scale of the construction project that would be required?

Ms. Mary Todorow: Well, you know, I've been trying to get the update from the 2006 census, but there were about 759,000 low-income households with people at or below the poverty line. There is no official poverty line in Canada, but it's people living at the pre-tax post-transfers Statistics Canada low-income cut-offs. And 65% of those 759,000 households are living in multi-residential rental buildings. That's why we have the concern about the electricity sub-metering in particular. We know that there's going to be a push to meter all the utility services that people use in-suite because of the issue of climate change—

The Chair (Mr. David Oraziotti): Thank you. That's time for your presentation. I appreciate your coming in today. Thank you very much.

ONTARIO HOME BUILDERS' ASSOCIATION

The Chair (Mr. David Oraziotti): Our next presentation is the Ontario Home Builders' Association. Good afternoon, welcome to the Standing Committee on General Government. You have 10 minutes for your presentation, five minutes for questions. You can state your name and you can get started.

Mr. Frank Giannone: Thank you, Mr. Chair and members of the committee.

My name is Frank Giannone and I am the president of the Ontario Home Builders' Association. I'm also president of Fram Building Group. Our company has built over 5,000 new homes and condos across Ontario since the company started building in the province in 1981. Internationally, we also build in Michigan, Texas and Italy.

1530

I am a volunteer member of the association, so in addition to my business and personal responsibilities, I am dedicated to serving the residential construction industry. Joining me is James Bazely, who is the OHBA first vice-president.

The Ontario Home Builders' Association is the voice of the residential construction industry in the province. Our association includes over 4,000 member companies involved in all aspects of the industry and is organized into 29 local associations. Together we produce 80% of the province's new housing, and we renovate and maintain Ontario's existing housing stock. In doing so, we serve today's homeowner and advocate on behalf of tomorrow's new homebuyers. Our industry contributes over \$30 billion to the economy every year. Last year, we employed over 360,000 construction workers.

Our members have also been on the leading edge of energy-efficient housing design and construction. It was our national parent organization that developed the R-2000 program 30 years ago, seen to be on the forefront of energy-efficient housing construction the world over. R-2000 put Canadians on the global map as producers of the best-built housing in the world. Some of the forefathers and innovators within our industry who helped shape energy-efficient housing are still active within our membership today.

My company was one that saw the merits of embracing energy efficiency in those early days. Fram Building Group built Canada's first all-R-2000 subdivision in Mississauga in 1986. When I learned of the provincial government's ambitious plans to break down the barriers to innovative, green development, I was personally excited. This is an opportunity for the rest of the province to embrace energy-efficient development in much the same way that my company did in the new housing industry so many years ago.

The Ontario Home Builders' Association took an early position of support for the proposed Green Energy Act, issuing a media release the day after the first reading of Bill 150. We agree with the fundamental policies being proposed; however, I would like to offer some comments and advice on behalf of an industry that has been voluntarily providing and encouraging energy-efficient housing programs, labels and certification for almost three decades.

When it comes to home energy audits, we know all too well what works and what doesn't. Our members are the ones who design the program curriculum. They are the ones who provide the training. They build the houses, they inspect the houses and they renovate the houses. We hear directly from all of these different member groups about what works and what doesn't.

OHBA is a strong industry advocate, but as I said before, we also provide a voice on behalf of future purchasers. We know that the homebuying public would like more clarity on what separates a new home from a resale home. It is easy for them to see that a new home is, well, new, and that a resale home is usually situated within an established neighbourhood. But what they traditionally have had difficulty understanding is how different the energy consumption and performance of a new house is versus an existing one.

The proposal within the Green Energy Act for home energy evaluation is, in the opinion of our association, the type of disclosure that is needed. This will allow consumers to compare new housing with existing housing and also to compare existing housing with other existing housing when they're making their buying choices. After all, an educated consumer is one that makes wise and informed decisions.

We see ourselves as an advocate on behalf of homebuyers in Ontario and, as such, would like to see more detail in the minister's proposal. I would like to offer the services of our membership, which has 30 years' experience in developing these types of programs, members who have 30 years' experience in delivering these types of programs. Mr. Chairman and members of the committee, we are talking about a new program that will benefit thousands upon thousands of Ontario homebuyers in the future. On behalf of those people, I want to urge you to continue to consult with our association to get this right.

I've heard some suggestions that the EnerGuide program will be utilized as the basis for referencing house performance. I would humbly like to suggest that we look elsewhere. While it is a national program developed in Canada to help evaluate the performance of early R-2000 homes, the EnerGuide rating scale is coming to the end of its useful life. Specifically as it relates to this legislation, the problem with EnerGuide is that it is not equally representational of new homes and existing homes at the same time.

Consumers need clarity and consistency, and unfortunately the EnerGuide scale provides neither of these. Similar to a logarithmic graph, the less-efficient houses will score relatively well and can move easily within a few-point range. The more energy-efficient the house becomes, the harder and harder it becomes for a house to gain a single point. To a consumer, it becomes confusing why a 100-year-old farmhouse can score a 45 or 50 on the scale, yet a brand new house scores only a few points higher at 80.

Furthermore, the EnerGuide rating scale is a proprietary standard owned and operated by Natural Resources Canada. NRCan has the ability to change the regulations for EnerGuide at any time and without any requirement of public consultation. It would be unfortunate to see Ontario reference a standard today only to have it change to something completely different by the time the Green Energy Act comes into force.

But there are options. Some of our industry leaders have been actively searching for and testing other rating

systems. Allow our members to work with your government to propose the best system for our purposes here in Ontario, and we can quickly propel ourselves as the leading energy efficiency jurisdiction for housing in North America.

Within part III of the proposed legislation, energy efficiency and efficient use of water for appliances is discussed. The Ontario Home Builders' Association is in a unique position to have some of the major appliance manufacturers represented within our industry. I am sure you will hear from their industry groups, but I recognize one of their concerns and bring it forward for your consideration.

It has been suggested that the standard in Ontario for all appliances is Energy Star. On the surface, that sounds admirable, but in the marketing plans for these companies, they need to have options for purchasers. If everything is mandated to the top-of-the-line appliances, then there is no longer the product diversity that their industry requires. On behalf of these manufacturing members of our association, I request that consideration be given to variable performance levels still applying to energy and water efficiencies. The levels can still be set high, but will allow the manufacturers the diversity they need.

With respect to sections 40 and 41 of schedule G, regarding the Environmental Protection Act, some of our members have expressed concern that the intent of these two sections of the proposed legislation was not to target new home development sites. Rather, it would appear that the intent was for the waste disposal and transfer sites on which watercourses are present. In the nature of the new home development process, garbage is naturally accumulated and disposed of according to waste management policies. Having an additional layer of certification could cause significant uncertainty and further red tape in the development approvals process. We already have to comply with mandatory regulations for waste management and do not agree with additional layers unnecessarily added to our industry. Better clarification in these sections is required.

Finally, an area that perhaps was overlooked when developing the proposed legislation is the ability for a condominium corporation to secure green loan financing for green initiatives and how those loans should be managed. OHBA members would be pleased to assist in the review and development, if necessary.

To summarize, the Ontario Home Builders' Association is generally supportive of the proposed Green Energy Act. We do, however, have some legitimate concerns regarding the framework being proposed around the home energy audit component. Our members, who are the leading experts in the home energy conservation movement, would be pleased to lend their expertise to implement solutions that will meet the needs of government, the building community and, most importantly, the homebuyers of Ontario.

We also have very, very strong concerns about the competing and contradictory pressures on affordability of

all housing in Ontario, whether they be low-rise or high-rise, for sale or for rent, for seniors or for young people. We support this act, as we support the Places to Grow policy, but I need to tell you that the viability of both of these is now under attack by the harmonized sales tax. Both of these programs imply extra costs, some by choice. The selections to upgrade will now be taxed so severely that they may not happen as the government hoped.

With that, I would like to thank you for your attention and interest in my presentation. I look forward to hearing any comments or questions that you may have.

The Chair (Mr. David Oraziotti): Thank you. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much gentlemen. I appreciate your comments on the government's new tax, as well. Obviously, we have many concerns about that and are sharing those with you.

New versus old: We understand that if someone is building a new home, they have the option of getting all of the most efficient upgrades available to make that home as energy efficient as possible. It's not always the case, but if somebody is building a new home, the odds are they're selling an old home. OREA has severe concerns with the home energy audits. If it's a bone of contention that could sometimes cause deals to fall through because of the adversarial approach of negotiations, that could affect your business as well.

I see that you basically seem to be in favour of the audits, and I can understand why you want to measure the energy efficiency of a new home against an old one home. But if people aren't selling existing housing stock, it's unlikely they'll be building new ones as well, because they have to get rid of one to get the other. I'd like to hear your comments on that.

1540

Mr. James Bazely: I believe our association takes sides with the Green Energy Act, so it would be hypocritical for us to say it's good for the new home but not the old one. What's good for the goose has to be good for the gander.

We believe in energy efficiency, and we believe that it's right for the environment. That's one of the reasons we endorse it in used stock. Eventually, that may happen: Some people may choose not to sell their home because of the rating they get, but eventually that house will have to sell. Immigration is still strong in Ontario, and every time we build a new house, an old house doesn't get torn down. So it will be worthwhile for someone to fix that house and improve its efficiency. There are many ways that that can be done through qualified renovators, and you can bring up the rating quite simply; I'm not saying cheaply, in all cases, but simply.

Mr. John Yakabuski: The audit does not require them to upgrade the homes.

Mr. James Bazely: No, it doesn't. But when I buy a used car, whoever is selling it to me has to take it in and have the emissions test done to verify that the car is running properly and not polluting the environment, and I

see this as being similar. If I'm buying a resale home, I think it's great that the consumer has the knowledge they need to understand where the house sits as far as the—

The Chair (Mr. David Oraziotti): Thank you. I'm going to have to stop you there. That's time. Mr. Tabuns?

Mr. Peter Tabuns: Thank you very much for making the presentation today. The EnerGuide program: What are the elements that you believe have to change to, as you put it, put in place a system that's more accurate and more representational of the reality?

Mr. Frank Giannone: The EnerGuide program, as it sits now, really works from a new housing point of view. It has to be able to work on existing housing, or you won't get the proper comparison between an existing house and another existing house. It's not limited to an existing homebuyer buying a new home, but also an existing homebuyer buying an existing house. Right now, the system that's set up works new, but it may not work for existing homes.

As well, it's something that's governed by the government of Canada, and they've been talking about changing it anyway. So we may as well come up with a system that's Ontario-based, specifically doing what we want it to do.

Mr. Peter Tabuns: Can you tell me the physical elements that are not properly measured with the current EnerGuide system and need to be changed?

Mr. David Henderson: I think I can comment.

Mr. Peter Tabuns: You have to come up here so you'll be in Hansard.

The Chair (Mr. David Oraziotti): Come up here, give your name and give a quick response, please.

Mr. Frank Giannone: This is David Henderson from OHBA.

Mr. David Henderson: I'm the director of industry relations for the Ontario Home Builders' Association.

The EnerGuide scale was initially developed as a means of measuring R-2000 housing at the time. As the R&D of housing has evolved, the EnerGuide scale has not evolved at the same pace as the rest of housing. They've tried to manipulate the scale to make it fit the existing housing stock as well. The difficulty gets into some core building science mechanics, but the testing mechanisms work very well in new housing, where you assume that everything is airtight and you're using high-efficiency products and stuff. When you try to match it into an existing housing program, what happens is that the airtightness tends to throw numbers off and the appliances used in the house tend to throw numbers off. The software was simply not initially developed to manage existing housing stock.

The Chair (Mr. David Oraziotti): Thank you. I'm going to have to stop you there. Mr. McNeely?

Mr. Phil McNeely: Thank you for coming in and making a very good presentation, generally positive, I think, toward the Green Energy Act.

This isn't the first time we've heard some issues around the applicability of the EnerGuide rating to new housing, but I talked to Dana Silk from the EnviroCentre

in Ottawa quite a bit, and I have talked with GreenSaver—Mr. Veljovic was doing some work with the OPA around the issues you're talking about. They feel that the EnerGuide rating is pretty good and that there are issues that have to develop. It probably has developed and will develop in the future. So if there are some concerns around that, I'm sure they can be worked out. What are your thoughts on that?

Mr. Frank Giannone: The heat pump scale, for example, is one that jumps out.

Mr. David Henderson: One of the main criticisms of EnerGuide that has been used is that it measures certain aspects of the house and ignores other aspects, such as energy consumption. In our industry, it's nicknamed the "heat pump" scale, because to get a poorly performing existing house to meet a higher performance, all you have to do is stick on an air-to-air heat pump, and that defeats the purpose of what you're really trying to accomplish.

Mr. Frank Giannone: It defeats the purpose because you're fuelling it with electricity in peak energy provider and it goes against what you're trying to do.

Mr. Phil McNeely: I liked your comments that what is neat is that you can compare existing housing to new housing, and that's important: existing housing to existing housing and existing housing to new housing. I think I've heard from the experts that that can be worked out. The OPA has done considerable work with GreenSaver on that.

Mr. Frank Giannone: We're confident that it can be worked out.

The Chair (Mr. David Oraziotti): Thank you very much. That's the time for the presentation. We appreciate your coming in this afternoon.

ELECTRICITY DISTRIBUTORS ASSOCIATION

The Chair (Mr. David Oraziotti): The next presenter is the Electricity Distributors Association. Would you like to come forward? Good afternoon and welcome to the Standing Committee on General Government. You have 10 minutes for your presentation and five for questions. State your name for the purposes of our recording Hansard, and you can begin when you like.

Mr. Charlie Macaluso: My name is Charlie Macaluso. I'm president and CEO of the Electricity Distributors Association. With me is our chair, John Loucks, who is from the city of Brantford, where he is chief operating officer of their local utility, Brantford Power.

We appreciate the opportunity to present our industry's thoughts to you today on the proposed Green Energy Act. Our chair will give more formal remarks, but to put them in context I'll give a very brief introduction about our association and what we do. Following that, we'll of course be available for questions.

The EDA represents all the LDCs in Ontario. There are approximately 80 LDCs—local distribution companies—across Ontario, who proudly serve virtually

every single residential, and commercial, and most industrial, customers in the province of Ontario. For each of these customers, one of the key things is that the local utility has really been identified as the trusted face of the electricity system. All told, we serve about 4.5 million consumers in Ontario.

The EDA works on behalf of our local utility members to represent them in public policy interests at the provincial level, in situations like this with elected officials as well as with civil servants and officials in the provincial energy agencies.

With that, I will turn things over to our chair, John Loucks.

Mr. John Loucks: I want to begin by thanking the committee for the opportunity to make this presentation today. The EDA welcomes the opportunity to provide input on Bill 150, the proposed Green Energy Act, which, if passed, will represent the fourth fundamental legislative reform of Ontario's power sector in barely more than a decade.

The first major reform was Bill 35, the sweeping law that, in 1998, broke up Ontario Hydro, created the independent market operator, put local utilities under commercial regulation by the Ontario Energy Board and set the framework for competitive wholesale and retail markets in the province, featuring real-time spot-market pricing for consumers.

Then in 2002, after only seven months of open-market operation, Bill 210 was introduced to abruptly shut the retail market and temporarily freeze power prices at unsustainably low levels.

The thaw came in 2004, when Bill 100 established a hybrid market model featuring the Ontario Power Authority to purchase power for that market, passed through to consumers via regulated prices adjusted twice a year.

Now in 2009, following several smaller pieces of legislation that tweaked elements of the hybrid market, Bill 150, the proposed Green Energy Act, is set to usher in another wave of fundamental change for Ontario's power sector. Suffice it to say that we, as Ontarians, have definitely seen our fair share of change in the electricity industry. From our role on the front lines, local utilities realize just how challenging change can be for consumers.

1550

The provincial policy changes of the last decade have also been a huge challenge for local utilities. Over this short period, fundamental changes have been made to the permitted role of local utilities by the provincial government. Prior to 1998, utilities were free to engage in a broad range of functions. In addition to delivering electricity, most local utilities engaged in conservation activities and several also generated electricity for their communities. But in 1998, Bill 35 legislated utilities out of conservation, out of generation and out of every activity except for power delivery. In 2004, after a six-year hiatus, local utilities were permitted back into conservation, an important and progressive step away from Bill 35. But to this day, many constraints remain

that continue to prevent local utilities from delivering services much needed by consumers within their local communities.

Thankfully, Bill 150 proposes to address many of these constraints to consumers' benefit. This framework legislation, which the EDA supports, will, if passed, begin to make fundamental and welcome changes to the role and responsibilities of local community utilities as well as to those of our regulator, the Ontario Energy Board.

Regarding local utilities' role, the Green Energy Act outlines a potential broad customer service mandate that is almost exactly the opposite of the narrow role defined by Bill 35 for utilities back in 1998. The Green Energy Act, if passed, would provide local utilities the freedom to again own and operate a portfolio of renewable power generation. Utilities would be similarly permitted to provide district heating services in their communities through cogeneration. Utilities would gain new responsibilities for transforming their local distribution networks into smart grids that harness advanced technologies to facilitate the connection of many small-scale generators and the two-way flow of information. Local utilities would also bear added responsibilities to assist and enable consumers to reduce their peak demand as well as their overall electricity consumption and, in particular, take on specific, individual conservation targets that we'll be commercially incentivized to meet.

The list of new opportunities and responsibilities for utilities is significant and is ambitious. It is a list that specifically and directly responds to key policy changes the EDA called upon the province to make. Given this fact, for the record I wish to publicly thank Minister Smitherman and his staff for bringing this groundbreaking legislation forward. The EDA sincerely appreciates the customer service freedoms that it will provide our members, who are prepared to effectively implement the new responsibilities that accompany those freedoms.

However, I do also want to flag to the government a major implementation challenge that absolutely must be addressed if the stated goals of the Green Energy Act are to actually be realized and the broad new customer service role for local utilities brought to life in each of the communities across Ontario. This will require much more than just the passage of the Green Energy Act. Meeting this shared challenge will involve converting the regulatory model and approach in Ontario from one that narrowly limits utilities in their ability to deliver services to customers to one that provides them the flexibility and freedom to effectively do so.

With Bill 35 in 1998, the explicit intent of provincial policy became to narrowly limit utilities in their ability to deliver services to customers. For the broad new goals of the Green Energy Act to be achieved in 2009 through utilities fulfilling a role so dramatically different from the one envisioned by Bill 35 10 years ago, a new facilitative regulatory approach is required, and key new provincial regulations and ministerial directives will be required to bring it about.

The restrictive regulatory approach developed to implement Bill 35, which still remains in place in Ontario today, will only succeed in stifling the innovation and operational flexibility required by local utilities to produce the successes the Green Energy Act is seeking. Collectively, we—and to be clear, I mean the government, the EDA and our member utilities, along with the province's energy agencies, all working productively together—must move quickly to clear the barriers that stand in the way of producing the customer service outcomes that Bill 150 envisions.

In closing, let me simply say that the EDA and the local community-based utilities we represent very much appreciate the opportunities that Bill 150 has the potential to bring about. This potential will only be realized through fundamental amendments to the regulatory model and framework in Ontario. We look forward to working constructively and in good faith on this challenge with the minister, all elected officials, the key ministries and the province's agencies in the days that lie ahead.

Thank you for your time, and we'd be happy to answer any questions you may have.

The Chair (Mr. David Oraziotti): Thank you for your presentation. We do have some questions. Mr. Tabuns.

Mr. Peter Tabuns: Yes. I apologize for being out for the bulk of it, but some of the stuff you have to say in here interests me. First, how great is the interest among local utilities in expanding their generating capacity? Secondly, with particular reference to cogeneration, has there been an assessment of the potential for that, particularly with district heating in Ontario?

Mr. John Loucks: I think interest is going to vary across Ontario. The EDA vision is certainly to create the opportunity for those utilities that want to get into generation to do so.

Mr. Peter Tabuns: District heating opportunities: Have you as an organization taken a look at the potential out there for expansion into district heating?

Mr. John Loucks: Certainly our individual member utilities have done so. We have, like I say, a broad range of members, a broad range of business interests and a broad range of opportunities within individual communities.

Mr. Peter Tabuns: And you would support amendments to this bill that would allow electricity from cogeneration to receive a tariff, like other renewable forms of generation that are going to be receiving a fixed tariff?

Mr. John Loucks: Yes, we'd support that

Mr. Peter Tabuns: Okay. Thank you.

The Chair (Mr. David Oraziotti): Thank you. Ms. Broten.

Ms. Laurel C. Broten: Thank you very much. I wonder if you can perhaps speak to some of the issues that arise from your customers at a local level. Certainly, we hear from our constituents all the time about the desire to be able to work with their distribution company to conserve. One of the things that I think Ontarians are starting

to understand a little bit is the importance of the smart grid to facilitate and enable that.

I'm wondering if you can speak specifically to the new facilitative regulatory approach. What exactly do you mean by that? How will that improve the ability to provide customers what they're looking for?

Mr. John Loucks: Sure. I guess I'd point you to the existing regulatory environment, which actually narrowly defines the role of the utility. We want the regulations to loosen up a little so that the utilities can get into some of these new business opportunities in support of Bill 150.

Mr. Charlie Macaluso: Perhaps if I can just add that currently, under the Green Energy Act, it's anticipated that homeowners, residences and businesses would want or be able to install solar panels, for example. Under the current regulatory environment, we're not permitted to assist the customer in that endeavour, so we're looking for a regulatory environment that would facilitate and mirror the intent of the Green Energy Act, which would allow us to assist customers in initiatives like that. We're hoping that the regulatory environment will mirror the legislative intent.

Ms. Laurel C. Broten: Great, thank you.

The Chair (Mr. David Oraziotti): Thank you. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, gentlemen, for joining us today. I would gather from your presentation that you seem very comfortable with the broad powers being bestowed upon the minister to operate by directive in this bill. I spoke to someone who works at the OEB, whose name will remain unspoken, who feels very, very concerned that this amounts to the evisceration of the Ontario Energy Board, which is, of course, the consumers' protectorate in the province of Ontario. I would like your comments on that.

The other thing is the minister's powers in this bill: 22 sections that give him the right to operate by directive. Also, do you, as the LDCs that bill the customers, have no concerns with respect to the price of power under this legislation?

Mr. Charlie Macaluso: I'll take a shot at the questions; I think there were two of them. First of all, with regard to the minister's power in the directives, I think our chairman, in his opening comments, spoke to the importance of all agencies working together, including the utilities, the ministry, government and all the agencies. We think that this legislation, to be successful, will require that co-operative environment. Certainly, so far, there's nothing we've seen that would suggest that that won't be happening. So we don't really have any concerns in that regard.

1600

Secondly, with regard to concern about pricing, part of the legislation requires us to begin the process of developing investment plans to meet the obligations of the bill—smart grid development, smart metering. Those plans are under way. It's premature for us to assess the impact of costs from those plans on our customers, so it's really hard for us to comment on that at this time.

Mr. John Yakabuski: Okay. Thank you very much.

The Chair (Mr. David Oraziotti): Thank you. That's time for the presentation. We appreciate your coming in this afternoon.

Mr. Charlie Macaluso: Thank you.

GRANT CHURCH

The Chair (Mr. David Oraziotti): Our next presentation, Grant Church. Good afternoon, and welcome to the Standing Committee on General Government. You have 10 minutes for your presentation and five for questions. Please state your name for the purposes of Hansard, and you can begin your presentation.

Mr. Grant Church: Mr. Chairman, members of the committee, ladies and gentlemen, my name is Grant Church. I am the father of four wonderful children. I live in Cayuga and work in a factory in Dundas.

The Green Energy Act is an assault on democracy. Never have I seen an act purported to do something so good while cloaking a sinister plot to strip us of our rights and concentrate them in the hands of a minister of the crown. The act should be scrapped and rewritten.

Planning Act provisions will be suspended concerning green energy projects. As it stands now, a proponent submits their proposal to the municipality. It is reviewed by the planning department; the community is notified and has an opportunity to give input; council votes on it. The proponent has to do an environmental review on the project. The public has an opportunity to examine the findings. If you're not satisfied, you can appeal to the Ministry of the Environment and request a full environmental assessment.

Despite at least 17 requests for environmental assessments on wind farms, all 17 have been rejected by the Minister of the Environment. Not exactly democratic, now, is it?

All those rights will disappear under the act. It will be between the Minister of Energy and the green energy proponent. Absolute power will be held by the minister. Lord Acton said it well: "Power tends to corrupt, and absolute power corrupts absolutely."

We have a system that has checks and balances to prevent excess and injustices. It has taken centuries to develop. Magna Carta was one of the first great documents requiring the King or the government to obey the law. No one, not even the King, is above the law.

Now we have a government that is shredding the democratic principles that we have fought and died for, so that you can ram through your corrupt political agenda and, in the process, pervert the green movement.

The Ontario Municipal Board: The wind energy industry has displayed a disregard for health and safety. People have expressed concerns, only to have company officials say, "Don't worry, we meet all ministry guidelines."

Municipalities have set regulations, only to have them overturned at the Ontario Municipal Board. Individuals have challenged the wind companies, only to be ruled against by the OMB.

Current windmill setbacks from homes are determined by using Ministry of the Environment noise guidelines

and computer modelling. The OMB doesn't go against this. CanWEA, the wind industry organization, says that 300 to 600 metres is a suitable setback.

These setback guidelines are proving to be totally inadequate. Citizens in this province are suffering because of it. Wind companies are having to shut down windmills and buy up homes that have become uninhabitable. In other words, they are admitting that the computer models were wrong.

At the Ripley wind farm, the setback from homes was a minimum of 700 metres. Between the noise from the windmills and the wiring job, people are suffering to the point of being forced out of their homes.

This is an excerpt from a letter from some Ripley residents:

"After five months of severe symptoms, we begged for sleep and were billeted in town, paid for by the windmill company. Our homes were totally disconnected from and isolated from Hydro One and put on stand-alone generators for months. We were very ill from the effects of the unfiltered power ... and the blade sound and vibrations coming into our homes...."

At the Kingsbridge I wind farm, a family had to move away from their home, and after two years of torture they could sleep again. The closest windmill was 550 metres away. The local municipality passed a bylaw for the Kingsbridge II wind farm, making the setback 450 metres. They were told that if the setback was greater than that, they'd be taken to the OMB and the setback would be rolled back.

Loss of rights: Councils have been declaring moratoriums on windmill development and asking the province for studies on the ill effects of windmills. South Algonquin was the first. The local paper promptly carried a letter from Deputy Premier George Smitherman expressing his disappointment while not addressing their concerns.

When the Premier announced the Green Energy Act in London, there was no sympathy for those who are suffering. He just spit in their faces by calling them NIMBYs. Municipalities were asking for a piece of bread, and the government has given them a stone. They ask for health studies, and they are stripped of their planning authority.

Conservation authorities are stripped of their authority concerning green energy projects. How can that possibly be a green move? No more will we be able to request an environmental assessment, not that it makes any difference, since the Minister of the Environment has never granted one for a wind farm. We won't be able to use the freedom of information act to access green energy project information held by the government. How can something that is green be considered secret?

These three clauses are beyond comprehension. You've put green energy production ahead of health and safety. Why have you incorporated reverse onus? Why is the onus on us to prove that we are in danger, with only 15 days to prove that the project will cause serious and irreversible harm? What if the onus was on us to prove that a new drug would cause serious and irreversible harm to stop it from being prescribed to us?

Corruption: The act was initiated by government-funded environmentalists on steroids. The Ontario Sustainable Energy Alliance, OSEA, received money from the Ontario Trillium Foundation as well as from the Ministry of Energy and Infrastructure and the Ministry of Agriculture. OSEA was one of the founders of the Ontario Green Energy Act Alliance, which came up with a draft law and lobbied the government to implement it. The government, in effect, lobbied itself and paid for the cheering section when the law was introduced.

The following is from OSEA's website:

"OSEA members welcome government's GEA:

"The introduction of the Green Energy Act by the Ontario government in February was well received by members of the Ontario Sustainable Energy Association. They have high hopes the legislation will break down barriers currently preventing them from contributing to Ontario's electricity supply." CanWEA is a voting member of OSEA.

On the Green Energy Act Alliance website, there is a link to George Smitherman's Green Energy Act website paid for by the Toronto Centre Provincial Liberal Association. This clearly shows the three-way conspiracy that has joined together to strip us of our rights.

The Green Party leader, Frank de Jong, hit the nail on the head: "'They're running roughshod over local opposition,' he said. 'I don't like how the government is shoving this down our throat.... Democracy is becoming a casualty in Ontario's electricity development. Green energy is important but so is democracy. One shouldn't trump the other.'"

Professor James Lovelock, the father of the green movement, said it best: "We live at a time when emotions and feelings count more than truth and there is a vast ignorance of science."

These pictures taken along Highway 21 near Kincardine show a total disregard for the safety of travellers. The sign says, "During potential icing conditions stay back 305 metres from turbines." The closest windmill is 150 metres from the highway.

A delegation from Wind Concerns Ontario representing 29 groups and individuals met with Minister Smitherman on January 24. Three delegates, highly educated and accomplished individuals, called for a moratorium on windmill deployment until proper health studies could be done on the ill effects of wind farms. About a week later, Minister Smitherman said there are few health problems and 500 metres might be a suitable windmill setback. This proves he did not listen to WCO or the many who have suffered health problems even up to 808 metres away.

1610

Minister Smitherman is an asthmatic and says that's why it's important to him to get off coal by replacing it with wind. It is the height of arrogance for him to cause the suffering of others so that he might have less suffering. I live in the area worst affected by the Ontario coal plants, and the air is far superior to what he has to breathe in Toronto. So it won't even help his asthma. In fact, my

daughter Rebekah, an asthmatic, loved to come out to Cayuga from Hamilton so she could breathe freely.

I'd be glad to answer your questions.

The Chair (Mr. David Oraziotti): Thank you. Ms. Broten.

Ms. Laurel C. Broten: Thank you very much for your comments and thank you for being here today.

I think that you were in the audience earlier today when the Blue Green Alliance Canada—good jobs, a clean environment and a safer world—came forward and we heard deputations from the United Steelworkers with respect to the importance of the initiatives being brought forward by the Green Energy Act: to help us move into sustainable jobs for the future, opportunities for those who worked in shut-down factories in the province to be able to participate in a strengthened and refreshed economy, as we seek to construct new, sustainable technologies. I wondered if you had any comment with respect to how that might affect the community near you, in the steel manufacturing sector.

Mr. Grant Church: If you continue with your plan, I believe it will cause the collapse of this province. The price of industrial electricity in this province is the second highest, if not the highest, in the country. We have mills that are very much in danger of shutting down. There are so many that are so close, and I'm hearing reports of them. The most recent one that's in danger is AbitibiBowater. They have a mill in Thunder Bay. Last fall, at the finance committee, they asked, "Why is the commodity portion of our electricity higher than the total price in neighbouring jurisdictions?" Weyerhaeuser said, three years before, that of all the places they operate, Ontario has the highest-priced electricity. To make paper, 30% of the cost is electricity. Those companies will make a decision—like that—to move it. Thousands of jobs have left the paper sector and moved to Quebec or elsewhere. AbitibiBowater is in bankruptcy proceedings now. That mill in Thunder Bay may be closing.

The Chair (Mr. David Oraziotti): Thank you very much. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for your presentation. I certainly share your concerns, as did the Automotive Parts Manufacturers' Association at past hearings in Toronto, with respect to the potential job losses if the price of electricity is not competitive enough for them to be able to remain competitive with other jurisdictions. The government doesn't seem to be listening to that part of it.

I preface this by saying I don't have any medical or scientific background to be able to make any kind of determination with respect to adverse health effects of windmills or wind turbines, but you would think that the prudent thing for anybody to do would be to search for the answers. We keep hearing the minister say that none of these studies are peer-reviewed. Well, can we not get a peer review? Can we not have a mutually acceptable third party do a study to determine whether or not these things have adverse effects so that we can deal with that issue? Because as long as that's hanging out there, I think it's going to continue to be raised by concerned citizens.

Mr. Grant Church: Dr. Nina Pierpont, a doctor in New York state, has been doing several case studies on this, and her work is peer-reviewed.

Mr. John Yakabuski: Not according to the minister.

Mr. Grant Church: Well, he needs to do his research. The whole government needs to do research.

If somebody is dying on the side of the road, bleeding to death, do you stop to get a peer-reviewed study to call an ambulance? No. There's obviously a problem.

A very notable doctor, one of the top surgeons in the country, Dr. Robert McMurtry, whom I would allow to operate on me any time, judging by his resumé, said people are in harm's way at these windmills. He's getting all kinds of reports, and he's studying the matter. There are studies out there. The UK Noise Association made it quite clear.

The Chair (Mr. David Oraziotti): Thank you for your comments. Mr. Tabuns.

Mr. Peter Tabuns: Mr. Church, thanks for taking the time to come and speak to us today. With regard to Dr. Pierpoint, could you provide to the clerk the copies of those peer-reviewed articles produced by the doctor? I don't mean this second, but if you could provide them so that they could be circulated, we would appreciate that.

In reading your document, there is a clear issue you have about the power that's put into the hands of the minister—that's one issue. The other issue, though, is renewable power itself. Your primary focus seems to be wind power. Are you concerned about solar, biogas and other related renewable energies?

Mr. Grant Church: My plan for the province, if I were Premier: I'd lift the restrictions off coal and I'd get on with cleaning it up like the rest of the world is doing. I'd get on with building transmission lines to northern Ontario, where the IESO says we have 500 megawatts of stranded hydroelectric power. It's been sitting there for I don't know how many years. And there are another 450 megawatts to come from the Mattagami River—950 megawatts of clean, affordable power. You look at the jurisdictions that have the lowest-priced power, they have hydroelectric or they have almost 100% coal. So it's better to go 100% hydroelectric if you can. There are some interesting things with biogas. A lot of farmers have this manure they can make into electricity. It's just a matter of hooking them up to the grid. I think wind's good; it's just a matter of placement.

Mr. Peter Tabuns: I appreciate that.

The Chair (Mr. David Oraziotti): Thank you for your presentation. That's time.

CHIPPEWAS OF GEORGINA ISLAND FIRST NATION

WINDFALL ECOLOGY CENTRE

The Chair (Mr. David Oraziotti): The next presentation, Chippewas of Georgina Island First Nation and the Windfall Ecology Centre. Good afternoon, and welcome to the Standing Committee on General Government. You have 10 minutes for your presentation, five

minutes for questions from members of the committee. State your name for the recording purposes of Hansard, and you can begin your presentation when you like.

Mr. Brent Kopperson: Thank you. My name is Brent Kopperson. I'm the executive director of the Windfall Ecology Centre. I'm joined today by Marlene Stiles, member of the Chippewas of Georgina Island First Nation and the economic development officer of the First Nation.

I'd like to extend a greeting from Chief Donna Big Canoe, who was not able to be here today. Chief Big Canoe has asked me to speak on her behalf.

We're here, really, today for two reasons. The first reason is to congratulate the government and to give our thanks to those members of the House who are supporting the Green Energy Act. We believe it marks a seminal point in creating opportunities for First Nations to participate in the economic development of Ontario in a way that is true to traditional First Nation values.

I would also like to say that we support deputations made by the First Nations Energy Alliance, one earlier today in this venue. As well, Chippewas of Georgina Island support the work of the Green Energy Act Alliance.

What we want to do here today is to take this discussion from the lofty level of straight policy down to the community level of the First Nation. Chippewas of Georgina Island are developing a 54-megawatt wind farm on Georgina Island. For those of you who don't know, Georgina Island is a First Nation reserve within the greater Toronto area. It's located on Georgina Island in northern York region, a kilometre and a half off the southeast shore. This is an important project for the Chippewas of Georgina Island in terms of economic development. The total project value is around \$165 million. It will create many, many quality jobs, not only for the First Nation community but for the surrounding community, from educational trades projects that are being developed as a result of this to many other economic development opportunities.

1620

One of the issues that we've seen in the process of the Green Energy Act itself and the concurrent process of developing the regulations is something that we find rather odd and abhorrent, and we would like to deal with this issue today. When the regulations for the feed-in tariffs were announced, there were two tariff systems created, one for community power and another for the rest of the world. We understand and applaud the government for creating a tranche for community power, because I'm sure that the *raison d'être* was in recognition of the fact that renewable energy generating projects that are developed within a community and owned by the local community produce greater economic benefits than those that are from outside the community. Along with that, where such projects are developed within an area of load, there are significant system benefits that derive from generating power where power is being used. So, in that light, we acknowledge that community power is worth more.

I mentioned that the Chippewa Georgina Island project is a 54-megawatt project, and the regulation that is being proposed has a cap on it of 10 megawatts. The First Nation asks, why is our project capped at 10 megawatts? What is it about the 11th megawatt of renewable energy that makes it less valuable than the previous 10? From the eyes of the First Nation, it appears to be a cap on First Nation prosperity, and that's the message that I'm here to deliver today.

I think this is something that is quite easily fixed. I have asked many what is the rationale for having a 10-megawatt cap on First Nations and community projects, and I don't have a rational answer, so I think there's probably an easy way to fix this. Whether it gets done up front in the legislation or whether it gets done through a regulatory process, I think it's something that is relatively easy to fix, and it is our hope that this will be done.

Finally, I would like to say that the Chippewas of Georgina Island First Nation is a community that welcomes wind energy within its community, has done its homework in terms of looking at potential health effects, and effects to the land and the flora and fauna, and has concluded that there are none. So with that message, I would just like to leave you with this thought: Why is there a 10-megawatt cap on community projects? We don't think there's any good reason.

The Chair (Mr. David Orazietti): Thank you very much for your presentation. Mr. Bailey, you're first with questions.

Mr. Robert Bailey: Thank you for your presentation today. One of the questions I wanted to ask was, how many jobs do you foresee that would be created in your community, both during the building of the turbines and then if you see employment opportunities after the fact, after they're built? Would you be able to attract industry, perhaps, to—

Mr. Brent Kopperson: This is a great question and an interesting question, not only from the point of view of the First Nation, but from the point of view of the local community, which actually is going to be the community outside the First Nation that is going to be able to invest in this project through a community-based co-operative. So there will be literally many thousands of people, not just from the First Nation community but from the surrounding community, who will be participating from a direct investment point of view, and there will be, we anticipate, about 150 jobs created in the construction of that facility. The Georgina trades and technical centre is beginning to develop a training plan to develop training programs not only for this particular project, but to produce the skills and trades that are necessary to move throughout the province in other projects that are going to be developed. So there will be long-term benefits that come out of this, both for the First Nation community and the community at large.

Mr. Robert Bailey: Good.

The Chair (Mr. David Orazietti): Mr. Tabuns.

Mr. Peter Tabuns: Thank you very much for the presentation and for coming down today. If the cap isn't changed, what impact will it have on your proposal?

Mr. Brent Kopperson: If the cap isn't changed, then we will have to re-examine the scope of our project. It seems a little bit crazy that we would turn away from 54 megawatts of clean, renewable energy when there is an almost 400-megawatt, single-cycle gas-fired plant that this First Nation opposed. It's 30 kilometres downwind, and there are certainly no caps on that.

Mr. Peter Tabuns: I know, Brent, that this is a project you've worked on for a while. Is it the expectation that if this act was passed—set aside the cap for a moment—you would be able to proceed with this project?

Mr. Brent Kopperson: Yes.

Mr. Peter Tabuns: In the past, there was a constraint on transmission capacity. Has that now been dealt with?

Mr. Brent Kopperson: Distribution is another issue for us. This project has been phased in two phases. The first phase is 20 megawatts. The reason the first phase is 20 megawatts is because we have a connection impact assessment with Hydro One for that 20 megawatts. The additional wattage: We would expect that capacity to come somehow through the Green Energy Act and its provisions for obligation to connect.

The Chair (Mr. David Oraziotti): Thank you. That's time for questions. Ms. Broten?

Ms. Laurel C. Broten: Thank you for your comments with respect to the cap. I want to focus my questions on community-based co-operatives. Over the last number of days, we have heard deputants come before us expressing the view that they had analyzed their own project to be prohibited from falling within the class of community-based project, if their co-operative members—your notes suggest a “community-based co-operative comprising of members from within the GTA”—were not precisely in the local vicinity. I just wanted to get clarification with respect to the location of the co-operative members and if, in fact, you hold a different view than some who have come before us in previous days.

Mr. Brent Kopperson: I think we have a very different situation here in Ontario than the co-op movement and farmer ownership movement in Europe. We have much larger spaces within which to work. We are going to evolve different definitions of what community power is, and I think those will evolve as we move along. I think it's really important that how that is defined gets left with the community power sector rather than trying to nail this right at the get-go, because it is going to evolve as we see some real tremendous entrepreneurship and innovation come into this sector.

Ms. Laurel C. Broten: Thank you.

The Chair (Mr. David Oraziotti): Thank you very much for your presentation. That's time.

TORONTO HYDRO CORP.

TORONTO HYDRO-ELECTRIC SYSTEM

The Chair (Mr. David Oraziotti): Our next presentation, Toronto Hydro Corp. and Toronto Hydro-Electric System. Good afternoon. Welcome to the Standing Committee on General Government. You have 10 minutes, as

you know, for your presentation and five minutes for questions. State your name and you can begin when you like.

Mr. Dave O'Brien: Thank you very much. My name is Dave O'Brien. I'm the president and CEO of Toronto Hydro Corp. With me today is Anthony Haines, who's the president of our electrical system.

First and foremost, I'd like to thank you for this opportunity to appear before the committee. I'd just like to take a moment to talk about some of the things that Toronto Hydro has done in the way of conservation, and then I'd like to spend a few minutes talking about the piece of legislation. Then we'll answer questions.

Since 2005, Toronto Hydro of course has been a leader in conservation, having spent about \$74 million on conservation in Toronto and avoiding about 400 megawatts in combined demand in our city. In our peaksaver air conditioner program, we have about 60,000 units installed. When activated, we can produce about 60 megawatts of savings for the grid. We were the first utility to undertake a customer rebate program, affectionately called 10/10: Save 10% on your bill year over year and we'll give you a 10% rebate on your next bill. Last week, Toronto Hydro was named one of Canada's top 30 environmentally friendly companies.

Our vision is very simple: We want to work with the government, on behalf of our customers, to move forward with the intent of this legislation. Toronto Hydro fully supports the legislation and views it as a very positive step forward in enabling the rapid deployment and development of renewable energy and increased CDM programs.

1630

Bill 150, if passed, fundamentally changes the role of the LDCs—local distribution companies—but recognizes the relationships we have with our communities, which is very important. We have built a relationship of trust with our communities, and this piece of legislation will allow us to go forward with that trust and develop a number of opportunities with our customers in our communities.

Our plan, under this piece of legislation, will include innovative CDM programs targeted to residential, commercial and industrial customers; renewable energy programs in support of rooftop solar installations and larger distributed generation projects; and consumer education programs to support the conservation culture we have already begun to foster in our community. Our plan will also include proactive investment in the development of the smart grid in Toronto, including in-home energy management tools for consumers, based on smart meter communications technology, and coordination with international groups to facilitate the timely introduction of electric vehicles to Toronto and Ontario.

If Bill 150 is passed, Toronto Hydro is committed to delivering an ambitious program of CDM savings and renewable energy installations in Toronto, with targets that are disproportionately large to our share of the market.

Rate-based programs are the simplest, most effective way of driving a transition to the new market. They

provide the LDC with the means to quickly advance CDM, renewable energy and smart grid investments, and they provide the OEB with the regulatory oversight required to ensure prudence and efficiency.

We very much want to continue the work on conservation that we, as a company, have undertaken since 2004-05. I think our track record speaks for itself. We view this legislation as an opportunity to take us to the next level; primarily and most importantly the ability to actively engage with our communities in driving community-based conservation. We also see the benefit of having a number of our activities rate-based through the Ontario Energy Board, which is our regulator. We're very comfortable in working with them, and we understand the process. We believe this approach to conservation is better than the previous approach, which was an OPA-based approach. We long to get back to the days of rate-based funding.

I'll stop there, Madam Chair. I'd like to leave lots of time for questions. Mr. Haines and I will try to respond to any questions the committee might have.

The Acting Chair (Mrs. Carol Mitchell): Thank you, gentlemen. We'll begin the rotation with Mr. Tabuns.

Mr. Peter Tabuns: Thank you for the presentation, David. It's good to have you here today. When you look at the potential in Toronto for CDM and renewable power, do you have a sense of the scale of the market you think you could address?

Mr. Dave O'Brien: We are anticipating about 1,000 megawatts: about 500 in conservation and about 500 on generation. That's kind of where our head is at right now, as we begin to develop our approach under the legislation as we now see it, obviously subject to changes by the committee and the government. That's kind of where our head is.

Mr. Peter Tabuns: Over what time period, do you think?

Mr. Dave O'Brien: A 10-year time period.

Mr. Peter Tabuns: So 100 megawatts a year with that set-up.

Mr. Dave O'Brien: Yes.

Mr. Peter Tabuns: Are there any changes that you see are needed in this bill to advance that agenda?

Mr. Anthony Haines: There are a couple of things. First of all, we'd like to clarify the arrangements with respect to when a utility that owns the generation. Under the act, the way we're reading it, we facilitate and we can own. There needs to be some clarification as to the tolling regimes and the rate-based treatment for the asset when it's owned by the utility. Our view is that it would be treated similarly to a piece of wire—in other words, an asset-to-asset based return—and that the tolling regime through the FIT would be an offset to the customer—in other words, helping to offset the associated cost. That's a critical assumption in what Mr. Bryant spoke of in terms of our targets, because to the extent we are unable to find community-based programs, we would step up

and in fact make the necessary investments to meet that target with our own capital.

Mr. Dave O'Brien: In the presentation, I spoke about rate-based funding. We would prefer to go to the OEB, get rate-based funding for our programs, take the FIT that comes with the program and give it back to the customer as a rebate, levelling the playing field.

Mr. Peter Tabuns: I understand.

Mr. Dave O'Brien: In a very nutshell, simple way, that's it.

Mr. Peter Tabuns: Thank you. I appreciate it.

The Acting Chair (Mrs. Carol Mitchell): Ms. Broten.

Ms. Laurel C. Broten: Thank you very much. I'm wondering whether you can speak to the issues that we often hear from our constituents with respect to, why don't we see more combined heat and power, why don't we see more distributed generation coming out of factories in our communities, and certainly a call for more renewables, and how, for your customers, your consumers, the Green Energy Act allows us to move in that direction?

Mr. Dave O'Brien: I'll take a first run at it and then let Anthony follow up. I think part of the issue is that there's a lot of talk about distributed generation. People use that word very loosely and talk about it as an option. I don't say that to belittle the potential of distributed generation, but it does require a great deal of work and coordination to get it done. You have to understand that if you're using gas-distributed generation, you're going to put a gas-fired facility into a community, which is going to require a gas feed, which is going to require connections. So it's not as simple as just saying, "Well, it's the panacea; it's the answer." Also, it was very complicated to do previously, in my opinion, using the OPA as the vehicle to drive that particular agenda.

I think this piece of legislation, particularly if we're allowed to rate-base some of our costs and encourage the community to help us do that, will open up those parameters and allow for more opportunities for us to work with the community directly. This legislation has its quirks that we're dealing with, but one of the great things about it is that it really empowers the community to get involved in a way that it has never done before. It also empowers and requires the utility to work with the community, which has never happened before. So the legislation brings these two pieces of community together, and I think that will make the change and drive the agenda going forward like it's never done in the past.

Mr. Anthony Haines: Just a couple of other quick barriers: First of all, the obligation to connect I think is a significant one, in that society's benefits were being borne by the generator, and under the new regime, of course, those aren't necessarily completely borne by the new generator, and so we see that as being a positive piece.

Back to Mr. O'Brien's comment, what do you do with the deficiency? Again, we think that it should be part of our rate-based treatment, so that will certainly help.

The other practical matter, particularly when you deal with households, is the initial funding of the capital investment in the solar panel or the conversion of their home. We would certainly welcome the opportunity to provide on-bill financing so a customer could really not have to dip into their own financial means but make a long-term commitment around that, and we'd be happy to be the facilitator of financing programs.

We see those as the two major barriers that are helped within this act.

Ms. Laurel C. Broten: Thank you.

The Acting Chair (Mrs. Carol Mitchell): Mr. Yakabuski.

Mr. John Yakabuski: Thank you for joining us today. My apologies for missing part of the presentation. Unfortunately, you leave for a few minutes and it turns into more when somebody needs to talk to you.

First of all, congratulations for being named as one of the top 30 companies and also for the significant progress and the leadership role that Toronto Hydro has taken with regard to conservation demand management.

One of the things we keep hearing that concerns people—and with 680,000 customers, you probably run into some who are having trouble with their electricity bills—is the potential for significant rate increases under the Green Energy Act. Ontario as a goods-producing-based economy, it could have severe implications there, and I'd like to get your comments as to whether or not you have concerns with respect to the price of electricity for your consumers and, in general, the Ontario economy under this act?

Mr. Dave O'Brien: I think it's a valid point for our customers. You're right, Mr. Yakabuski, we do have customers who talk to us about the concern over the price increases. The bill is really made up of three or four components. Our piece, which is the distribution piece, is about 25%. There is the commodity price. There's the debt retirement. There are a number of components. So as various pieces of that cost begin to move, it affects your overall bill. Our piece is highly regulated by the Ontario Energy Board, so it's unlikely that you're going to see a very large increase on our side. But there are potentially other cost increases.

1640

One of the most important things about a price increase in electricity is how you provide the customer with the tools to mitigate that price increase. Prices will go up on everything we deal with today—that's common—but what do you do to mitigate that? One of the things we have done in our company is to take a very aggressive approach to smart meters. We have installed about 600,000 smart meters in our service territory. Almost all of our customers now have a smart meter—if there's anybody in this room who lives in Toronto and hasn't got one yet, let me know and I'll get you one. More important than that are the time-of-use rates. When the time-of-use rates are brought in, that's a tool the customer can use to help mitigate that particular rate increase.

The other tool we have given our customers—we have about 65,000 of them installed in Toronto now—is a peaksaver device, which we put on your air conditioner. On a hot summer day, your air conditioner will cycle about four times an hour. We can control it electronically to reduce that to about twice an hour. What does that do? It takes a load off the grid and gives the customer a lower cost because they're not consuming electricity at peak times. As long as you can do a number of programs that help to mitigate that, I think you're going a long way.

Mr. John Yakabuski: Thank you very much. I appreciate that.

The Acting Chair (Mrs. Carol Mitchell): Thank you, gentlemen.

Is Recycled Energy Development here? No?

ALLIANCE TO PROTECT PRINCE EDWARD COUNTY

The Acting Chair (Mrs. Carol Mitchell): Could the Alliance to Protect Prince Edward County come forward, please? Gentlemen, you will be allowed 10 minutes for your presentation, and then there will be five minutes of questions in rotation among the three parties. Thank you very much for attending today. Would you please state your names for the record?

Mr. Henri Garand: Chair and members of the committee, APPEC, the Alliance to Protect Prince Edward County, thanks the committee for this opportunity to comment on the Green Energy Act. My name is Henri Garand, chair of APPEC, and my co-presenter is Orville Walsh, vice-president and secretary.

APPEC is an incorporated, not-for-profit volunteer organization whose mission statement includes a commitment “to energy conservation and the development of responsible alternative forms of energy that preserve the unique historical, cultural, agricultural and rural character of Prince Edward county and the natural beauty of its landscape.”

APPEC supports the government's vision of reducing the province's carbon footprint and increasing investment in new technologies to improve the lives of Ontarians. We also appreciate an initiative to develop a conservation culture in Ontario and expand the use of renewable energy. However, APPEC has serious concerns about the impact of Bill 150, specifically as it applies to the installation of industrial-scale wind turbine complexes. The bill draws no distinction among rural areas and their differing economies; therefore, the potential for harm may be greater than any offsetting advantages of green economics. A case in point is Prince Edward county.

Over the past 10 to 15 years, Prince Edward county has been successful in marketing its special sense or quality of place and has become an award-winning model of what an essentially rural community can accomplish with a concept fully endorsed by the current Ontario government. The county has developed what is now called a “creative rural economy” valued at \$100 million annually. Due in part to its rural, historic, non-commercialized

and unspoiled charm, the county has been able to attract a wide array of new businesses, reverse a declining population trend and expand its tourism.

Here are a few impressive examples: Since 2001, the population has risen over 2%, and the construction industry has boomed as a result of new commercial and residential building as well as renovations. Building permits are up 300% over seven years, and property assessments have increased by \$750 million. Many new homes and businesses are incorporating new technologies such as small wind turbines or geothermal systems for heating and cooling. Earlier this month, one of these new businesses, Fifth Town Artisan Cheese, received the Premier's award for innovation in agriculture.

Between 2001 and 2004, tourism increased 74%, while spending rose 168% to \$65 million per annum. Much of this growth is related to arts and culture. Tourists are attracted to the unspoiled rural landscapes, numerous art galleries and artists' studios, and music and theatre festivals featuring performers with national and international reputations. They stay at B&Bs or small hotels scattered throughout the county, and dine at restaurants run by chefs who have relocated from Toronto or Europe. But many tourists from Toronto, Ottawa and Montreal also come to camp. Sandbanks Provincial Park, one of the most popular parks in Ontario, hosts thousands of day visitors each year and operates full campgrounds throughout the summer, with the overflow accommodated by dozens of commercial camping facilities and resorts.

As of 2008, \$45 million has been invested in 12 new wineries and 750 acres of grapes. Largely dependent on direct sales to visitors, the wineries gross \$18 million per annum, and sales are projected to reach \$50 million to \$85 million in five to seven years. Every spring, a 10-day birding festival alone brings \$4.5 million into the economy, yet wind projects are planned inside the important bird areas, where birds and birders gather.

APPEC believes that uncontrolled development of industrial-scale wind turbine complexes and infrastructure will jeopardize what has been accomplished in Prince Edward county. An emerging world-class tourist attraction, centre for the arts, and wine region are at stake. Governments will lose revenue, and a vibrant community may be destroyed. It is a no-win situation for everyone except wind industry investors.

Presently, notices of commencement have been published for four wind turbine projects onshore, with a total of 143 turbines. Other projects under study could raise the number to over 200, and several more projects are planned in the waters surrounding the county. If the Green Energy Act takes away municipal planning authority without establishing an alternative planning process, the future of the community will be determined solely by a few individuals—the lessors—and/or corporations—the proponents. It is easy to contemplate that all, or nearly all, the county will be covered with industrial wind turbines.

The royalties received by leasing landowners from 200 wind turbines would amount to less than \$2 million

annually but could easily be offset by the loss of fickle and mobile tourist spending. After project construction, only 20 maintenance jobs will be left, and the holders could reside conveniently outside the county, conferring little economic benefit. Meanwhile, the creative rural economy will be damaged by the declining number of new and returning visitors and the duration of their stays, as well as the declining number of new residents building homes or renovating the county's many old houses. The result will be a net loss of jobs and reduced prosperity for the entire community.

As well, wind development will cause significant financial harm for many residents through a drop in home and property values, because wind turbines will be installed not in remote marginal lands, but in well-settled, scenic areas like the Loyalist Parkway, around Sandbanks park and near valuable waterfront homes and small hotels. In Melancthon, a realtor's study found a \$48,000 difference in sales price between homes within and outside the wind plant area. If just one third of county homes are similarly affected, the loss would total over \$150 million. While this would have a harsh impact on individual homeowners, everyone will share its effect on the tax base, because it won't be offset by the \$12-million assessed value of the turbines.

Wind development also poses considerable health risks, because many of the county's 25,000 full-time residents live in homes scattered within the proposed project areas. The majority have had no opportunity even to express an opinion about wind development, because the projects were initiated in secrecy, yet they will have to live with the unpredictable effects of shadow flicker, noise and low-frequency vibration.

The Green Energy Act proposes to establish provincial regulations for minimum setback standards, excluded areas and measurement of cumulative effects. Although we welcome careful, clear regulations, they must be based on the recommendations of health and safety experts, not the wind industry. We also contend that an alternative planning process is needed so that regulations do not override local bylaws supported by sound economic and cultural reasons. Final approval, based on an official plan, should rest with each municipality.

Most importantly, the pursuit of green jobs should not undermine thriving economies. In the county, small-scale renewable energy projects, as proposed in the independent initiative, the Green Alternative Plan, would well serve both community needs and the rural environment. Industrial wind is a Trojan Horse for our creative economy.

1650

Consequently we make the following recommendations:

(1) The province must establish a planning process which retains municipal authority and respects the existing municipal bylaws and the underlying reasons for their enactment. The process and regulations must take into account the potential impact of multiple wind energy projects within a municipality or township.

(2) Planning for wind development must consider the economic as well as the environmental significance of provincial parks and important bird areas.

(3) The province of Ontario must establish and implement the best standards for renewable energy projects, especially for industrial wind. Standards must be based on science and utilize the precautionary principle in the absence of good science.

(4) The province must undertake studies into the impacts on human health, primarily from noise and vibration of large wind turbines. Until they are completed, a setback of two kilometres from homes should be the minimum standard. Moreover, setback should be measured from property lines, not neighbouring houses, so that projects do not restrict the use of adjacent land.

(5) The bill allows for appeals on the basis that development “will cause serious and irreversible harm to plant life, animal life, human health or safety, or the natural environment.” This must be changed to read, “may result in health or safety concerns or may cause serious or irreversible harm to plant life” etc. Moreover, the onus must be on the wind proponent to prove there is no health effect. Finally, the proposed appeal process gives too much authority to one person. There must be a different form in order to ensure a fair hearing.

The Acting Chair (Mrs. Carol Mitchell): Thank you, gentlemen, and we’ll begin the round of questions with Ms. Broten.

Ms. Laurel C. Broten: Thank you very much. I’m wondering if you can give some more detail with respect to what types and locations the renewable energy projects would take form in in Prince Edward county, as suggested by the Green Alternative Plan?

Mr. Henri Garand: Yes. The Green Alternative Plan is a proposal developed by three county residents and APPEC members as an alternative to industrial wind development. It proposes a program of grants and interest-free loans to fully fund residential installations of wind and solar power and geothermal systems. The program is cost effective, relying solely on a one-and-a-half-cent surcharge per kilowatt hour on all residential users.

The full proposal has been sent in a written submission to the committee, is available on a website, www.tgap.wordpress.com, and is summarized on a one-page handout available immediately for distribution.

Ms. Laurel C. Broten: Does APPEC support any large-scale renewable projects—biogas, biodigester or any other forms of renewable electricity generated?

Mr. Orville Walsh: Yes, we do, any sort or form of renewable energy. When it’s appropriately sited, of course we support it.

Ms. Laurel C. Broten: And even wind when it would be appropriately sited.

Mr. Orville Walsh: Exactly.

Ms. Laurel C. Broten: Thank you.

The Acting Chair (Mrs. Carol Mitchell): Mr. Yakabuski.

Mr. John Yakabuski: I’m just looking at your recommendation 5: “The bill allows for appeals on the ba-

sis that development ‘will cause serious and irreversible harm to plant life, animal life, human health or safety, or the natural environment.’” You would think that there wouldn’t be a need for an appeal process if it would cause serious harm to plant, animal or human life; you would simply think that no development that would do that would ever be allowed, period. To me, if you know something’s going to cause harm, you would think that you would not allow that development. So I think your amendment is proper because, even if there’s a significant concern, then it’s a pause to take a step back to try to determine that.

I do appreciate your presentation and I would like you to comment on—I didn’t see in your presentation. Has Prince Edward county or have any of the municipalities passed moratoriums on wind development?

Mr. Orville Walsh: No, Prince Edward county has not passed any moratorium on wind development. In fact, their current bylaws allow for smaller turbines, appropriately situated.

Mr. John Yakabuski: Do you have some concerns that this bill is the thin edge of the wedge when it comes to the usurping of municipal powers on the part of the province, if it fits within their agenda?

Mr. Orville Walsh: Yes, we do, in the sense that developments like this, when they are driven by only a few individuals, will tend to overpower and result in an overlay of industrial activity, which may have serious consequences on other activities and businesses within the area.

Mr. John Yakabuski: Thank you very much.

The Acting Chair (Mrs. Carol Mitchell): Mr. Tabuns.

Mr. Peter Tabuns: Unfortunately, Chair, I’m going to have to pass. I apologize, gentlemen. I was caught on a media call.

The Acting Chair (Mrs. Carol Mitchell): Thank you very much, gentlemen, for your presentation.

Mr. Orville Walsh: Thank you.

The Acting Chair (Mrs. Carol Mitchell): I would ask again: Is Recycled Energy Development in attendance?

HARTEN CONSULTING

The Acting Chair (Mrs. Carol Mitchell): As they are not, we will move to Harten Consulting. Welcome. There will be 10 minutes allowed for your presentation. Then there will be five minutes for questions from each of the parties. When you begin your presentation, if you could please state your name for the record.

Mr. Harvey Tenenbaum: Thank you for this opportunity to comment on the significance of the proposed Bill 150. My name is Harvey Tenenbaum. Our company is Toronto-based Harten Consulting. We’re here today representing the views of a large number of ratepayer and resident groups located throughout York region, as well as the Holland Marsh Growers’ Association.

Our experience in dealing with environmental and energy matters is based on being well versed in the natural gas industry and in related fields, including areas of toxicology. For the past several years, we have reviewed the current IPSP and proposed peaker plants advocated by the OPA. We have made numerous deputations to various elected and other bodies on both of these areas, which significantly impact on the concept of Bill 150.

There's a great deal of anticipation and enthusiasm for the proposed legislation, but unfortunately it's tempered by concerns over current facilities proposed by the energy ministry which taint and undermine the intent of this legislation.

There are fears that the legislation may prove more rhetorical than real. It's almost mindful of the deluge of green-labelled products that appear on the market and the only thing green, of course, is the label. We hope the legislation doesn't fall into that category.

This proposed legislation is philosophically significant because it blends the challenges of the environment with energy and in fact places the environment, a green Ontario, as the compelling force and overriding factor in energy decisions. This is admirable but, as I earlier stated, suspect.

Let me dwell briefly on a specific example that undermines the intent of Bill 150. In York region, a 393-megawatt gas-fired generator, with its infrastructure costing approximately \$500 million, with a total cost over the life of the project, on a guaranteed contract by the Ontario government, of over \$2 billion to the ratepayers and taxpayers of Ontario—this project is being proposed for a location adjacent to the Holland Marsh. This is sensitive green space, and although the location violates layers of regional and municipal zoning plans, it of course relies on ministerial exemption.

The facility is designated as a peaker plant, an idea proposed in 2004-05, which was flawed even then, in an expansive era that contemplated a Hummer in everyone's driveway but in today's environment is entirely redundant. This project should have been relegated to the dustbin of history.

If with one hand we are greening Ontario with Bill 150 and seeking renewable energy sources, the other hand is greying it for the next several decades. A major source of a variety of toxic pollutants and a generator of hundreds of thousands of tons—three tons per minute while it's operating—of carbon/greenhouse gas emissions alone, never mind all the other pollutants, is plodding ahead. In an era when industrial growth has plummeted and we have a multi-billion-dollar surplus of electricity, we're still looking at an unnecessary and unneeded project which is a burden on the ratepayers and taxpayers in Ontario and totally unnecessary.

1700

As has been mentioned ad infinitum at these hearings, smart grid technology, if and when it's implemented, including, as the gentleman from Ontario Hydro said, peaking devices used on air conditioning systems; and

consumer education, which is now rampant and spreading in the United States, including putting notices on individual residential household bills comparing them to their neighbours and stressing what they should be using and what they could be saving and the additional cost to them—that has been very effective in four states and is spreading to 13 others in the next six months. Of course, the most important element in greening Ontario is conservation, and there we have a long way to go. We pay a lot of lip service to conservation, but compared to other jurisdictions across the world, we haven't gone far beyond the lip service stage. There's a great deal of room for a great deal of conservation.

Sitting in at the hearings which were recently held by the energy board on the IPSP, the Ontario Power Authority commented on conservation. Their main claim to fame on conservation is that when someone trades in a 10-year-old refrigerator for a newer one, there's a saving in energy, and they are taking credit for that as part of their conservation picture. That's not conservation as far as it being aggressively implemented. That's important, but there are many areas and many thousands of megawatts that can be saved if we proceed with realistic conservation, including public education and awareness, and we have a long way to go.

Productivity gains occurring in industry alone diminish the need for electricity. When all these factors are integrated with Bill 150's energy strategy, energy sufficiency will be resolved without the need for additional fossil fuel plants. Further, over a period of time, as green energy comes on stream and, just as important, as conservation and other actions are implemented, we will be able to phase out fossil fuel plants. I believe there will always be a dependence on nuclear, but it is relatively clean. It doesn't produce toxic emissions and pollutants. It doesn't kill several thousand people a year in the province of Ontario, as the Ontario Medical Association has stated fossil fuel pollution does—it kills a couple of thousand and it puts 110,000 in hospital with asthmatic conditions. Those are Ontario Medical Association statistics. They've been raised many times.

If Bill 150 is to provide the impetus for green energy and, just as importantly, a green environment—and that's the purpose for green energy, to ensure a green environment—the time to act is now. As the late Senator Everett Dirksen, who I once met, stated, "When you realize you have dug a hole for yourself, the first step is to stop digging." That applies full-force on erecting new fossil fuel plants. You can rationalize anything, and authorities are well adept at doing that, but new fossil fuel plants are not needed. There is no need for peaker plants. There are lots of alternatives—green, cost-effective solutions.

Talking about the proposed plant for the Holland Marsh, probably the worst location that one could conceivably find for putting a fossil fuel-burning plant in the province of Ontario is adjacent to the Holland Marsh. When the public realizes that the emissions from this facility will land on and may taint the produce from the

garden basket of Ontario, which is working very hard to brand their produce Holland Marsh so proudly, you're going to impact a \$150-million-a-year industry with 2,000 jobs. Once tainted, it's very hard to reverse. Whoever came up with the concept, first, of a fossil fuel peaker plant and, secondly, of locating it in a prime agricultural area, baffles the imagination.

The EPA in Washington, this past Friday at their hearings, introduced legislation that is premised on, and I quote from the EPA document, there being "overwhelming evidence that greenhouse gases in the atmosphere endanger the public health and welfare of current and future generations." While Bill 150 appears to recognize this fact, the very same ministry is inflicting 20-plus years of millions of tons of carbon emissions on the residents of Ontario—all this without a proper individual environmental assessment. They have settled for environmental screening based on ministerial prerogative. That is a blatant contradiction of everything Bill 150 stands for. It absolutely undermines and contradicts what you're trying to accomplish. Green on this hand and grey on the other doesn't make any sense.

We understand that the cost of implementing Bill 150 will be in the multi-billions of dollars. That's understandable. There's tremendous initial capital cost in implementing renewable energy sources. The good news is they don't consume fuel once they're up and running, so the ultimate long-term cost achieves two objectives. First of all, of course, it isn't using up a finite resource. Natural gas in Canada will run out in 60 to 64 years. That's the estimated supply, so we have to face the reality of being without natural gas when your children or grandchildren are looking to buy a home. Secondly, we want to cut down toxic emissions and pollutions, and Bill 150 will go a long way towards doing that if we stop putting up fossil-fuel-burning plants and rationalizing them as short-term expediency etc.

The cost of the proposed peaker plants in Ontario, and several are planned, will be, over the life of the contract, I would estimate, about \$10 billion, a cost borne on the backs of the taxpayers and ratepayers of this province. That money could be put to far better use in implementing the conservation measures and the renewable energy sources that Bill 150 talks about. In an area where technical decisions are largely driven by senior bureaucrats, we would hope that the representatives of the electorate would do the right thing and stop erecting fossil fuel plants and use those dollars towards the very important concepts contained in Bill 150.

The Chair (Mr. David Oraziotti): Thank you, that's time. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Mr. Tenenbaum. I appreciate your presentation.

The experience in other jurisdictions with respect to renewable power—I understand your concerns with fossil fuel plants, but in other jurisdictions they are actually building fossil fuel plants, in some cases coal plants. The reason is that they need the backup for the renewables when the sun isn't shining or the wind isn't

blowing. I recognize we have some hydraulic here, and a significant amount of hydraulic, but the expectation is still very, very real that we're going to, depending upon the amount of renewables we have—because we cannot dispatch the renewables, at the least the main ones of wind and solar. We can do biogas and biomass. But without the ability to dispatch them, we're going to have to have some kind of dispatchable generation to back them up when they're not operating. The expected choice is natural gas, so we're not going to get away from fossil fuel burning even if we bring in more renewables, because we're going to need them as a backup.

1710

Mr. Harvey Tenenbaum: There are several responses to that, and I'll try to impart some of it to you. In the first instance, we have such a surplus of electricity in the province of Ontario—we're currently exporting several billion dollars' worth a year—that the situation where a peaking situation arises is virtually nonexistent.

Secondly, you can purchase peaking power, at one one-thousandth the cost of going through what we're going through, from Quebec and Manitoba, flick-of-a-switch peaking power.

Third is implementing smart grid strategies, because there are two solutions to a peaking situation: the grid and generation.

The Chair (Mr. David Oraziotti): Thank you, that's time. Mr. Tabuns.

Mr. Harvey Tenenbaum: And the grid is the way to go.

Mr. Peter Tabuns: Mr. Tenenbaum, thank you very much for coming down today. It's good to see you here.

Mr. Harvey Tenenbaum: Thank you. It's good to see you.

Mr. Peter Tabuns: In your region, the reason that was given for building that plant was the growing demand for power and the need to satisfy it without interruption. I guess the first question is, is in fact the demand for power in your region growing at the rate that was earlier predicted? Secondly, if it is, have you and the citizens in that area who have been working on this issue been able to identify energy efficiency or renewable power opportunities that would have eliminated the need for the plant, if, in fact, the demand for power was there?

Mr. Harvey Tenenbaum: The demand for power has diminished considerably in the last year or two. That trend is expected to continue. The reasons for it, of course, are just what we said. We are just starting to implement conservation. We're just starting to slowly implement a smarter grid, peak-saving devices, etc. So the demand for power is shrinking rapidly in our region, and I'm sure across Ontario. Furthermore, if there is a renaissance in Ontario industrially, that renaissance will come in information technology types of industries, which use 5% to 10% of the power of a smoke-stack traditional industry. So it's unlikely we'll revert to the energy shortages we may have experienced from time to time in the past. We feel—

The Chair (Mr. David Oraziotti): Thank you. That's time for questions. Mr. McNeely.

Mr. Phil McNeely: Thank you, Mr. Tenenbaum, for being here and for the very many good points you made today. Certainly that was welcome news from the US that they are going to include CO₂ as one of the toxic substances and be able to do a lot more under the EPA with it. That was welcome news. And I agree with your comments that there's no clean coal; there's probably not going to be any clean coal. It's a myth, and I hope some day we get over that.

Conservation's very important in our plan, and George Smitherman sent a directive to OPA early on in his mandate as energy minister to look at the energy mix and to try to get the renewables and conservation higher even than they were in the first energy mix. This is coming back to I think late May or June or early summer. We'll see then what importance we're putting on conservation. But I agree with you: Conservation is a good part. Conservation is energy number one, and I think that's the way our government is looking at it.

Do you have any comments on the energy mix that was submitted and what we expect back from OPA?

Mr. Harvey Tenenbaum: First of all, I wholly agree with you: The most cost-efficient step that can be taken in any jurisdiction is conservation, because it saves mega-billions—not millions—of dollars, doesn't use up finite resources that are running scarce in any event, and puts people in a frame of mind that is uplifting. They are doing something to help the environment and the cost-effectiveness of society, particularly in Ontario. If you're going to have competitive, cost-efficient industries, conservation and the efficient use of energy have to be the key. I believe in it very much. I also believe in the implementation of green energy sources—wind and solar—being phased in.

We're in the primitive stages of wind and solar power, but as we invest the billions of dollars in it that it's going to take—25 years ago, I had a room this size and a computer and three people working who weren't as effective as my laptop. That's the stage we're at. Technology will forge ahead if we make the commitment and the investment. We can phase out fossil fuel, and we do not need peaking facilities. It's unnecessary.

The Chair (Mr. David Oraziotti): Thank you. That's the time for your presentation. We appreciate you coming in this afternoon.

GREG ALLEN

The Chair (Mr. David Oraziotti): The next presentation is from Greg Allen. Welcome to the Standing Committee on General Government. You have 10 minutes for your presentation and five for questions among committee members. State your name, and you can get started.

Mr. Greg Allen: My name is Greg Allen. I currently work with HOK, one of the world's largest architectural firms, as their sustainability strategist. For 35 years, I've been working in the advancement of renewables and energy efficiency in, largely, the building and urban

development arenas. I was involved in the drafting of the first Energy Efficiency Act in the province and several other regulatory and policy areas. So I am extremely interested in this considerable step that the province has taken in strengthening its commitment to conservation renewables, and I also have concerns that the devil is in the details of its implementation and the regulations around it. We will all wait with bated breath to see the outcomes if the act is passed.

I sincerely hope that the act is passed and expedited, and I hope that the many productive inputs over this last period of consultation have afforded some improvement to the act. The last time I was in these halls in this manner was with the alternative fuel hearings, which went on for a year and had a very wonderful outcome in terms of the documentation and zero outcome in terms of uptake. So I hope that this will be different.

First of all, I'd like to mention that I think the Green Energy Act is lacking in clarity in its purpose, context and scope. You could infer that the purpose is to advance energy conservation and renewable energy, presumably to displace fuel burning, including uranium. If that is the case, then there needs to be something included to clarify why we would want to have an open-ended and rapid development of renewables.

In terms of the context, what is rarely mentioned in Ontario, but is talked about in many other jurisdictions in the world—we're facing what's known as peak oil and peak natural gas. The declining energy return on energy invested, the amount of energy required to extract the remaining fossil fuels, is increasing exponentially. The International Energy Agency and many observers in the oil industry and the gas industry, including our own National Energy Board, have cited that we're going into a decline period in those energy availabilities. This has direct impact on our economy, but most importantly, we will have to be very strategic about how we use those energy resources in the great transformation of the energy system that will inevitably happen. It will happen with some grace if we have prudence and foresight, and it will happen devastatingly if we ignore the imperative that it sets. Of course, greenhouse gas emissions are also a major driver in why we need to phase out fossil fuels altogether. So I look forward to this act being an instrument in aggressively pursuing the green path.

1720

I've prepared eight items of specific recommendations. They hopefully overlap with many other submissions that follow similar lines, but I'll quickly go through them for you.

The first one is that I believe that the new paradigm of the smart grid is about distributed generation, and in fact the design of an energy system must be seen as something that is to be designed in loco. It is not a central planning mega station but a diversity of technologies deployed over the whole of the province. That involves the intimate involvement of the citizenry and the local governance in those regions in coming up with the optimum strategies and the resources that are most appro-

priate for those areas and, very important, the political buy-in from those communities in engaging in the development of this great transformation.

The second item: There is almost nothing mentioned about energy storage, which is a correlate to having a renewable energy system. Yes, when the wind blows, you have it and when the sun shines, you have it, and when it doesn't, you have to have something. That something is in hand and has always been in hand. We have a large hydraulic potential that is underemployed in terms of its storage capacity, and hydraulic storage is extensively used elsewhere in the world. So we do have that secondary resource value of the hydraulic we have in the province to store energy.

There have been studies done in Europe and virtual operations entirely based on renewables in Germany that demonstrate the feasibility of 100% renewables generation when you have the appropriate mix—which is part of the design of a green grid—of wind, solar, biomass and hydraulic. The use of biofuels in this mix is going to be strategic, and so we would want to see biofuel co-generation wherever the opportunity is afforded to phase out both the thermal and electrical fossil fuel demand. These can be the major powerhouses to match the supply and demand curve. Of course, demand-response is already being taken up. I think we're only beginning to see the opportunities that are afforded by load-shifting and other mechanisms to modify demand.

Third, cogeneration altogether needs to be its own category and emphasized and supported in the act.

Fourth, the ability of renewables and energy storage systems to dispatch power is an asset value to the grid. The valuation of that asset needs to also be made explicit through something equivalent to a feed-in tariff. Otherwise we do get these natural gas plants, which may have a very short life indeed if natural gas prices do what I think they're going to do.

Those dispatchable resources could also be tied into the emergency power requirements of most of our large buildings. We have sufficient generation in the province to do 100% of the power production in the province based on the amount of installed generators that are used for periods of outages. The emergency power requirements in the province already require that we install all of that excess generation capacity. We haven't used it, and we could. In fact we could legislate that new buildings, and eventually all buildings that have generation, be cogenerated facilities that are dispatchable by the grid, thereby resolving any of the services required in that regard for the grid.

District energy is also not mentioned, and it fits in with the smart grid concept. We would have the capacities of heating, cooling and powering on a local, regional basis on campuses, in communities and downtown Toronto etc.

I was involved in—

The Chair (Mr. David Oraziotti): Excuse me, sir, that's time for your presentation. If you want to take 30 seconds and wrap up, you can do that.

Mr. Greg Allen: Okay. I'll just title the other ones.

Vehicle-to-grid is an emerging opportunity that is coming before us.

The OBC change is too slow. I would suggest that the minister may wish to be able to have performance requirements on the energy performance of buildings as part of the labelling and minimum energy requirements for products.

Finally, the province could and should show leadership in the buildings that are being built to be zero-carbon emitters. Both the Royal Architectural Institute of Canada and ASHRAE, representing the mechanical engineers, have called for zero-carbon buildings by 2030. The province should be doing it before then because we have a long learning curve to get there. I would suggest that we start with any new builds and move on to the retrofitting of existing buildings, of which I've done a fair amount of work. Thank you.

The Chair (Mr. David Oraziotti): Thank you very much. Mr. Tabuns, you're first up.

Mr. Peter Tabuns: Greg, thanks very much for the presentation. Could you talk a bit more about a net-zero or non-carbon-emitting building? I don't think a lot of people are familiar with the idea or the technologies that would be involved.

Mr. Greg Allen: Well, it's an enthusiasm around the world in the design community. A lot of buildings in the Middle East are going 100% renewables. I'm suggesting there are less dramatic ways of achieving those ends.

I referred to factor 10 efficiency improvements that are achievable, even in retrofit applications. We use, just as one example, about a third of our electricity in large buildings to blow around in the building. Those can be reduced readily by new technologies, like displacement ventilation, that require one third of the flow and 1/27th of the power to move that air.

We have looked at, in fact, a government building retrofit in which it appears that we could reduce the demands by 90% for the primary energy lighting and HVAC systems, and deploy enough renewables on the site of the building to export more energy than is demanded.

Mr. Peter Tabuns: Thank you.

The Chair (Mr. David Oraziotti): Ms. Broten?

Ms. Laurel C. Broten: Thank you very much. I'm wondering if you can give us a little bit more thought, or more detail, with respect to your suggested item number 2, energy storage, and whether or not you would propose that there are specific amendments needed in the act to accommodate expansion of storage, such as pumped hydraulic or other battery technology storage.

Mr. Greg Allen: There are three layers, and they may have different approaches required. If we're talking about hydraulic, we're probably talking about mostly OPG-controlled facilities, to examine the opportunities there, and to look at going beyond what's happening at Hydro in terms of pumped storage to expanding that. I've certainly read a number of investigations by electrical engineers of that opportunity.

In terms of the procurement by the private sector of capacities, whether they be storage or on-site generation that can be dispatched, that dispatchability is a value to the grid, so the investor in that should be rewarded for the value it provides to society.

That would also go for thermal. For example, shifting load by ice storage to deal with the peaks in the summer months is something that used to be done in Ontario, and done extensively in places like Chicago—large central chiller plants. I was involved in the deep lake water cooling project, which is, in a way, a natural annual energy storage system to do that.

Lastly, the demand response: You already have begun taking steps in that direction, I think with some success. I think that the valuation that has been offered is much lower than the cost of having to put in a peaking station, so you're underplaying the opportunities in that program.

Ms. Laurel C. Broten: Thank you.

The Chair (Mr. David Oraziotti): That's time. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Mr. Allen. My question is similar to Ms. Broten's. I'm wondering if you've done any research to determine what potential—the amount of additional power that could be generated as a result of pumped storage. Many of our hydraulic installations are simply run in the river with no ability to store, but some would have some significant capabilities. Have you done any analysis to see what kind of power potential there is?

1730

Mr. Greg Allen: Only partial. At Hydro right now, we have 200 megawatts of pumped storage capacity, which could be expanded in its utility fairly readily without changing equipment if it's a reversible turbine system at Sir Adam Beck 2. It's been analyzed—just to give an example of what could be done, by raising Lake Erie's water table by one inch and lowering the lake, you would have several months of the total electricity demand of the province. In other words, there's a negligible impact in level of water, so the capacity is there. The investment in such a large-scale project would be considerable, but the Welland Canal has to be widened and some have proposed that in conjunction with that public work there could be installed a much larger pumped storage system that would allow us to take more hydraulic power out than is allowed by the Niagara agreement on water taking.

The Chair (Mr. David Oraziotti): Thank you. That's the time for your presentation. We appreciate your coming in today.

WIND CONCERNS ONTARIO

The Chair (Mr. David Oraziotti): Our next presentation is from Wind Concerns Ontario. Good afternoon, and welcome to the Standing Committee on General Government. You have 10 minutes for your presentation and five for questions from members of the committee. You can start by stating your name for the purposes of Hansard, and you can begin when you like.

Mr. Keith Stelling: Thank you. Members of the committee, my name is Keith Stelling, and I'm here today to speak on behalf of Wind Concerns Ontario. We are the voice of 28 member groups from communities across the province dedicated to informing the public about the implications of industrial wind power and Bill 150.

Over the last number of years, the government of Ontario has permitted industrial wind complexes to creep into rural Ontario without considering their effects on people, animals or the environment. As well-meaning but naive municipal councils bought into the half-truths and double-talk of the industrial wind lobby, no government agency was guarding the interests of the rural residents of Ontario. Wind Concerns has done the research that should have been completed by our government before it embraced its ill-advised policy. Our research teams have concluded that the removal of barriers for renewable energy is simply a sly way of creating special and unprecedented privileges for what is at best a very costly, marginally effective and highly subsidized industry.

The people of rural Ontario are becoming increasingly aware and outraged that this bill removes their democratic rights and makes them second-class citizens. Thirty municipal and county councils representing over half a million people have already objected to the abrogation of all traditional and rational planning procedures.

You must expect that the major dissatisfaction already loudly voiced will continue to grow if the approach of the Liberal government to this bill is not radically changed. The way Bill 150 ignores the health of people living in the vicinity of these massive industrial machines is a glaring and inexcusable example of the antidemocratic way the bill treats rural residents. It subjects them to inferior public health rights.

Under the new subsection 142.1(3) of the Environmental Protection Act, in order to seek a review of a renewable energy approval, the citizen must show "serious and irreversible harm to ... human health or safety...." This is in marked contrast to the Environmental Bill of Rights, which entitles Ontarians to a healthy environment, not just an environment where they are only protected from serious and irreversible harm to their health. Wind Concerns members are in little doubt that this cynical and disgraceful provision was written by the wind turbine industry, which appears to have its fingerprints all over the bill.

Of course, this provision of the bill is also inconsistent with the provincial policy statement, which declares that development should be avoided if it "may" cause concerns for public health, safety and the environment. Further, it fails to comply with the precautionary approach used by public health authorities. Has the committee considered why this should be? Rural Ontarians will never accept that their public health rights are negotiable.

People in Ontario should have to show only a reasonable apprehension that there may be health concerns. The onus should be on the developer to prove that the concern is unfounded. Why would the wind turbine industry need such unprecedented, preferential and unique treatment

when it claims that turbines emit only a whisper? The committee has already heard evidence from people who are suffering from these installations. It will be hearing more on Wednesday when Dr. McMurtry presents his community-based health survey.

The following amendment is required to the proposed subsection 142.1(3) and to all other related provisions: “that the renewable energy project, as approved, may result in health or safety concerns or may cause serious or irreversible harm to plant life, animal life or the environment.”

The present subsection is by far the most pernicious provision of the bill. It effectively renders all appeal rights worthless. The burden of proof placed on the citizen, who must appeal prior to construction within 15 days, is virtually impossible to discharge.

In its whole anti-democratic appeal process, this is the only appeal right given to a citizen who will not know, until after installation of these 30-storey high pieces of industrial equipment, that the life of the family will be one of torment.

This bill cannot under any circumstances be allowed to give the Ministry of the Environment the unfettered right to establish setbacks by regulation. Our member groups and affiliated ratepayers’ associations have no confidence in the ministry’s objectivity or competency to do this appropriately. One need look no further than the people whose health has already been jeopardized because of the present MOE noise guidelines. The MOE guidelines don’t work because people are getting sick. Recent research indicates that two to three kilometres may not be enough, and this has to be studied before we go on. It is also unimaginable that such developments are being allowed near sensitive natural habitats, including migratory bird staging areas and provincially significant wetlands. Shamefully, it is being left to members of the public to gather and collate data.

All provisions in the bill giving the MOE powers to establish or approve setbacks must be stayed. There must be independent epidemiological health, noise pollution and electrical pollution studies, not set up by the Ministry of the Environment but by independent expert advisers reporting not just to the MOE but to the Minister of Health and to the chief medical officer of health, with the task of recommending appropriate setbacks in accordance with sound public health principles.

Until proper evidence-based setbacks have been determined, all construction of wind turbine complexes must be stopped near human dwellings, provincially significant natural heritage systems and migratory bird staging areas. Under no circumstances can wind turbines be allowed on the Niagara Escarpment World Biosphere.

Traditional planning controls must not be removed. Wind Concerns supports the municipalities and the Ontario Professional Planners Institute in this matter. It is unacceptable that the Minister of Energy and the Minister of the Environment are being given carte blanche effectively to write this statute for the Legislature and yet the public has no idea what it is going to cost or what a true analysis of the alleged benefits are.

All the objective evidence to date underscores that wind turbine development will cause harm to local communities, will be very expensive and, at best, of marginal benefit to climate change. In fact, in Germany and Denmark, carbon emissions have actually increased.

1740

Many legitimate, reasoned concerns and questions have been directed to you and to the government by Ontario citizens. These must be candidly and fully addressed before this bill goes any further. You have been advised: This will not be forgotten by the informed voting public.

The Chair (Mr. David Orazietti): Thank you very much for your presentation. Ms. Broten, questions?

Ms. Laurel C. Broten: Thank you, Keith, for being here today. I’m wondering if you can give me a brief description as to the structure of Wind Concerns Ontario—who the members are, when the organization came into being—and a little bit with respect to the research structure that you’ve put in place.

Mr. Keith Stelling: Yes, of course. The organization came into being over two years ago. It grew because people were already beginning to find that they couldn’t get answers from MPPs or from the Minister of Energy or even from the Premier. After two or three years of total frustration—

Ms. Laurel C. Broten: Who are the member organizations?

Mr. Keith Stelling: The members of the organization are citizens. It’s a non-profit organization. It’s a voluntary organization. They’re citizens coming from all parts of the province. Most of these people got involved in the first place because a wind turbine development was planned for their area and they weren’t informed about it before it was sprung on them. There’s been very little discussion in the public, and there’s been even less in the press.

Ms. Laurel C. Broten: The Alliance to Protect Prince Edward County was a member organization, I believe?

Mr. Keith Stelling: Yes, indeed.

Ms. Laurel C. Broten: Could you provide us—maybe your website has it; I don’t have it. Does Wind Concerns Ontario have a list of all its member organizations?

Mr. Keith Stelling: Yes, it does, in fact. the website is windconcernsontario.org. If you go on to that website, you’ll find all sorts of information that you probably haven’t thought about.

Ms. Laurel C. Broten: Can research get us a list off windconcernsontario.org?

Mr. Keith Stelling: There are also a number of documents on that website which would be very useful for you to read, because many of us aren’t aware of the implications.

Ms. Laurel C. Broten: Thanks.

The Chair (Mr. David Orazietti): Mr. Yakabuski.

Mr. John Yakabuski: I appreciate your submission today, Keith. In the hearings over the last few weeks, we’ve heard that some groups who have met with us, including the Ontario Sustainable Energy Association,

receive government funding. Have you people received any government funding to assist with your work?

Mr. Keith Stelling: I wish. I just paid out of my own pocket to print these papers for you. No one receives any funding from any government source. In fact, some of our members have had to pay over \$75,000 out of their own pockets in their community to attempt to present their problems at the OMB hearing on the Enbridge wind turbine development.

Mr. John Yakabuski: When we were down in London—I don't have a copy of the submission here—there was a submission from the Ripley Group. They gave a medical synopsis of one individual who had visited I'm going to say 14 doctors, specialists, with a myriad of medical issues that they felt—because I'm not a scientist; I'm not a doctor—were a result of living in proximity to a wind turbine. I don't think anybody is going to go to the doctor to entertain themselves—because I know how much I like to go to the doctor.

I'm trying to understand why the government is completely unwilling to even take a look at some of these things. I can't evaluate them. I don't have the qualifications. But for God's sake, somebody should be taking a look at it, don't you think?

Mr. Keith Stelling: Yes, indeed. It's very sad that we in Ontario aren't keeping up to date with the information that we've managed to publish on the Internet at the Wind Concerns site. These same problems—hypertension, cardiovascular difficulties, long-term sleep disturbances which eventually wear down immunity—are being experienced by people all over the world; in different jurisdictions throughout Europe and the United Kingdom. Papers have been published in England, the United States and France indicating that this is a serious problem. People in Ripley are having to wear rubber boots in their own homes to prevent side effects of the stray voltage on their bodies, people are having—

The Chair (Mr. David Oraziotti): I'm going to have to stop you there just for a minute. Mr. Tabuns has questions. That's time, Mr. Yakabuski. Mr. Tabuns?

Mr. Peter Tabuns: Thank you for coming down and presenting today. I know it takes a lot of effort to put these things together and then travel down. Stray voltage: Can you tell us a bit more about what people are experiencing there?

Mr. Keith Stelling: Yes. What I've heard is that, first of all, people felt they had bugs crawling under their skin. Then you get headaches. Someone even had a pesticide specialist come into the house and attempt to fumigate the place—that was the first step. Then eventually, you wake up at odd times of the night and then you can't sleep.

Human beings are very subtle; our minds are geared to an environment that doesn't bombard us with electrical currents. We're not built for that. It's destructive of human cells and it's no wonder that a person can't sleep when they're in this environment; it's like low-power torture. It's not acceptable that when there are other solutions to these problems we're not doing anything about it; that we haven't done a study before we went ahead with it. There's no excuse for a government or a civilization that allows its people to suffer when it is aware that these are serious health problems throughout not only Ontario but other jurisdictions that have already experienced the same thing.

Mr. Peter Tabuns: Do you think that the stray voltage is unique to renewably generated electricity?

Mr. Keith Stelling: It may well be. Certainly, it's not a problem in cities, although we have found people on sidewalks and their dogs being affected by it. But what is happening out in the countryside, where these huge turbines—you have to understand how big they are. They're 40 stories high. It's not just stray voltage that's the problem. It's also this flicker effect. Every time the blade goes past the sun you get a shadow being cast across your house. There's also the throbbing, thumping effect of this thing. You have to realize that in the country, we don't have streetcars. Our farm animals aren't used to sirens. They're quiet. There is nothing that intrudes into that space. Even a distant car makes very little intrusion. These electrical currents and this noise pollution are affecting the farm animals. Cows—

The Chair (Mr. David Oraziotti): Thank you, Mr. Stelling. I'm going to have to stop you there. That's time for your presentation. Your comments will be taken into consideration as will all other presentations.

Mr. Keith Stelling: Thank you very much.

The Chair (Mr. David Oraziotti): Committee stands adjourned until Wednesday, April 22, at 4 p.m.

The committee adjourned at 1748.

Continued from overleaf

STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair / Président

Mr. David Oraziotti (Sault Ste. Marie L)

Vice-Chair / Vice-Président

Mr. Jim Brownell (Stormont–Dundas–South Glengarry L)

Mr. Robert Bailey (Sarnia–Lambton PC)

Mr. Jim Brownell (Stormont–Dundas–South Glengarry L)

Mrs. Linda Jeffrey (Brampton–Springdale L)

Mr. Kuldip Kular (Bramalea–Gore–Malton L)

Mr. Rosario Marchese (Trinity–Spadina ND)

Mr. Bill Mauro (Thunder Bay–Atikokan L)

Mrs. Carol Mitchell (Huron–Bruce L)

Mr. David Oraziotti (Sault Ste. Marie L)

Mrs. Joyce Savoline (Burlington PC)

Substitutions / Membres remplaçants

Ms. Laurel C. Broten (Etobicoke–Lakeshore L)

Mr. Phil McNeely (Ottawa–Orléans L)

Mr. Peter Tabuns (Toronto–Danforth ND)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

Clerk / Greffier

Mr. Trevor Day

Staff / Personnel

Mr. Jerry Richmond, research officer,
Research and Information Services

CONTENTS

Monday 20 April 2009

Green Energy and Green Economy Act, 2009, Bill 150, Mr. Smitherman / Loi de 2009 sur l'énergie verte et l'économie verte, projet de loi 150, M. Smitherman.....	G-617
First Nations Energy Alliance	G-617
Ms. Cherie Brant	
Dr. Derek Paul	G-619
Ontario Bar Association	G-621
Ms. Dianne Saxe	
Mr. Chris Chopik	G-623
Blue Green Alliance Canada	G-624
Mr. Ken Neumann	
Dr. Rick Smith	
Low-Income Energy Network	G-627
Ms. Mary Todorow	
Ms. Theresa McClenaghan	
Ontario Home Builders' Association	G-630
Mr. Frank Giannone	
Mr. James Bazely	
Mr. David Henderson	
Electricity Distributors Association.....	G-633
Mr. Charlie Macaluso	
Mr. John Loucks	
Mr. Grant Church	G-635
Chippewas of Georgina Island First Nation; Windfall Ecology Centre.....	G-637
Mr. Brent Kopperson	
Toronto Hydro Corp.; Toronto Hydro-Electric System	G-639
Mr. Dave O'Brien	
Mr. Anthony Haines	
Alliance to Protect Prince Edward County	G-641
Mr. Henri Garand	
Mr. Orville Walsh	
Harten Consulting	G-643
Mr. Harvey Tenenbaum	
Mr. Greg Allen	G-646
Wind Concerns Ontario.....	G-648
Mr. Keith Stelling	

Continued overleaf